

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8431 OF 2020

1. SACHITANAND RAJARAM DASARE
2. SHUBHANGI RAJARAM DASARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate h/f : Mr. S.M.Vibhute
Adv for petitioner : Mr. K.M.Nagarkar
Advocate for Respondent/state : Mr.S.G.Sangale

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 30 AUGUST 2023

PER COURT : (*PER : SHAILESH P. BRAHME, J*) :

1. Heard learned counsel for the respective sides finally at the admission stage.
2. Being aggrieved by the judgment and order dated 28.11.2020 passed by the Scrutiny Committee invalidating the caste claim of the petitioner for being '*Koli Mahadev*' scheduled tribe, the petitioner is before us.
3. The petitioners are siblings of Rajaram Baburao Dasre. They rely upon validity certificate of their father which was issued after following due procedure of law. They claim that, on the ground of parity they are entitled to validity certificates.

4. Learned AGP would oppose the claim of the petitioners. He would submit that, the Scrutiny Committee has rightly rejected the caste claim because there was contrary record indicating caste as '*Koli*' which is non-tribe and manipulation was noticed in the school record of father of the petitioners. He would further submit that the validity certificates are not reliable. He would urge to dismiss the Writ Petition.

5. It is further informed by learned AGP, that the Scrutiny Committee has proposed re-verification of validity certificates. Original papers of father of the petitioners, Rajaram, a validity holder is placed on record.

6. With the assistance of the learned counsel for the parties, we have gone through the papers of validity holder. We find that a vigilance enquiry was conducted, before it culminated into report. By speaking order, the validity certificate was issued to the father of the petitioners. The relevant record was taken into account. Pertinently, the court record of great grandfather of the petitioners indicating caste as '*Mahadev Koli*' is of 1356 Fasli (1946AD). The validity certificate of the father of the petitioners is reliable and it should enure to the benefit of the petitioner.

7. The old Fasli record of great grandfather has a greater probative value. The Scrutiny Committee has committed perversity in rejecting the caste claim of the petitioners.

8. Unless the validity certificates of the father is revoked, the petitioners cannot be denied the validity certificates. The Scrutiny Committee has undertaken the re-verification of the validity certificate of the father. The petitioners are entitled to validity certificates conditionally.

9. We find that impugned judgment and order is unsustainable. We therefore pass the following orders.

ORDER

- i. The judgment and order dated 28.11.2020 passed by the Scrutiny Committee is quashed and set aside.
- ii The Scrutiny Committee shall issue tribe certificate to the petitioner for 'Koli Mahadev' scheduled tribe.
- iii The validity certificate shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee.
- iv The petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]