

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

WRIT PETITION NO. 9832 OF 2023

Suraj Sambhaji Ingole	...Petitioner
Versus	
The State of Maharashtra and Another	...Respondents

...

Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondents/State : Mr. S. G. Sangale

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST 2023**

ORDER (Shailesh P. Brahme, J.) :

1. Heard both the sides finally. Considering the urgency, the matter is taken up for final adjudication at the admission stage.

2. The petitioner is challenging the judgment and order dated 04.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating his claim for Koli Mahadev scheduled tribe. He is relying upon the validity certificate issued to his cousin uncle.

3. The learned AGP opposes the claim of the petitioner. According to him, the Scrutiny Committee has rightly rejected the caste claim because the school record was not compatible with the claim and instances of manipulation of record were noted during the vigilance enquiry. He has made available the original files of Krishna Ingole, Laxman Ingole and Suraj Ingole/petitioner. It is further informed that

the Scrutiny Committee has proposed a re-verification of the validity holder.

4. We have considered the submissions of the parties. The record shows that Laxman Ingole is the cousin uncle of the petitioner. Before granting him validity certificate, an enquiry was conducted. The vigilance report is on record which shows that documentary evidence was taken into account. We find that there is pre-independent entry of Bhagwan Pandurang Ingole. The original file of validity holder reveals that a reasoned order was passed considering number of document indicating caste as 'Koli Mahadev'. We are of the considered view that the validity certificate is reliable being secured after following due procedure of law.

5. The learned AGP would submit that the genealogy produced in the matter of Laxman Ingole and Krishna Ingole are inconsistent. He also draws our attention to the statement of Laxman which creates doubt over the genealogy sought to be relied by the petitioner. It is further pointed out that there is suppression of material facts.

6. The objections of the learned AGP cannot be considered at this juncture. We restrain ourselves from offering any comment because that may prejudice the re-verification undertaken by the Scrutiny Committee. Unless the validity certificate is revoked, the petitioner cannot be denied the benefits of the same social status.

7. We find that the Scrutiny Committee has committed patent illegality in discarding the validity certificate. It is perversity to deny the validity despite there being sufficient record and the pre-constitutional entry.

8. We find that the impugned judgment and order is unsustainable. We, therefore, pass the following order.

ORDER

- A. The writ petition is partly allowed.
- B. The impugned order dated 04.08.2023 passed by the respondent no.2/Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe).
- C. It shall be subject to the decision/outcome in the matters to be reopened by the Committee of the validity holders.
- D. The certificate of validity shall be issued in the prescribed format without incorporating other conditions.
- E. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]