

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

WRIT PETITION NO. 10081 OF 2023

1. Shradha D/o Bapu Beske,
Age - 23 years, Occu. : Student,
 2. Renuka D/o Bapu Beske,
Age-21 years, Occu. : Student,
- Both R/o Raywadi, Post Harangul
(Kh.), Tq. and Dist. Latur. .. Petitioners

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary,
2. The Scheduled Tribes Certificate
Scrutiny Committee, Kinwat Head
Quarter at Aurangabad,
through its Member Secretary. .. Respondents

Shri Vivek U. Jadhav, Advocate for the Petitioners.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 17 AUGUST 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both sides finally at the admission stage considering the urgency.

2. The petitioners are sisters. They claim to be belonging to

‘Koli Mahadev’ (Scheduled Tribe). Their tribe claims are invalidated by the Scrutiny Committee on 04.08.2023 by common judgment and order, which is impugned in the present petition.

3. The petitioners rely upon the validity certificates issued to Sandipan Bhanudas Beske and Shrihari Namdev Beske who are paternal side relatives.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him there were contrary entries noticed in the school record of the relatives of the petitioners. The tribe of the petitioners was found to be Koli. During the vigilance enquiry tampering was noticed in the school record of Sunil Bhanudas Beske. The validity certificates were rightly discarded by the Scrutiny Committee because they were outcome of falsehood and suppression of material facts.

5. The learned A. G. P. would submit that the genealogy produced on record at page No. 72 does not tally with the genealogy shown at page No. 117. He would urge to dismiss the petition. The original file of Sandipan Bhanudas Beske is produced on record.

6. We have considered the rival submissions of the parties. The genealogy which is produced on record shows that Sandipan and Shrihari are paternal side relatives of the petitioners. There was vigilance report in the case of Sandipan, which is on record. Various entries were taken into account during the vigilance

enquiry. The file produced by the learned A. G. P. shows that reasoned order was passed by the Scrutiny Committee for validating caste certificate of Sandipan. The validity certificate is reliable one.

7. In case of Shrihari Namdeo Beske also we noticed the vigilance report, followed by reasoned order. His validity certificate is also reliable. The validity certificates produced on record by the petitioners would enure to their benefit.

8. The learned A. G. P.'s contention that the genealogy produced on record is inconsistent needs no consideration at this juncture. The petitioners have produced on record revenue entries from page Nos. 75 to 78. They corroborate the genealogy and the relations professed by the petitioners. As there are reasoned orders passed in the matters of Sandipan and Shrihari, tampering in the school record of Sunil has little consequence.

9. The Scrutiny Committee has already decided to reopen the validity certificates. The petitioners cannot be deprived of the validity certificates unless and until the validity certificates of the blood relatives are revoked. The Scrutiny Committee has committed perversity in rejecting the caste claims of the petitioners.

10. For the reasons stated above, we pass following order.

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 04.08.2023 passed by the respondent no. 2 – Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to ‘Koli Mahadev’ scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued strictly in the prescribed format without incorporating other conditions/additions.
- v. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]**[MANGESH S. PATIL, J.]***bsb/Aug. 23*