

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

WRIT PETITION NO. 11304 OF 2021

1. POOJA UMAKANT SHRIDOLE
2. GANESH UMAKANT SHRIDOLE
3. VISHWAJEET VINAYAK SHRIDOLE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioners : Mr. P.V. Jadhavar
AGP for Respondents : Mr. A.A. Jagatkar

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

DATE : 07 SEPTEMBER 2023

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

1. Heard learned counsel for respective sides finally at the admission stage.

2. The petitioners are challenging common judgment and order dated 30.08.2021, passed by Scrutiny Committee, invalidating their tribe claim of 'Rajgond' scheduled tribe. They are from the same family. They rely upon the genealogy which is at page no. 47 and validity certificates issued to Sangameshwar, Umakant, Gangubai and Sunita. They claim that on the ground of parity they are entitled to the validity certificate.

3. Learned AGP would oppose the submissions of the petitioners. According to him, the Scrutiny Committee is justified in rejecting the caste claim considering the contrary entry of Telang

recorded in the school record of the relatives of the petitioners. He would submit that it reveals that the petitioners belong to Telang and it is being represented to be scheduled tribe Rajgond. The Committee is justified in discarding the validity certificates because they were procured by suppression of material facts and misrepresentation.

4. Learned AGP has informed that the Scrutiny Committee is intending to reopen the matters of validity holders. He would urge that the Writ Petition is liable to be dismissed.

5. We have considered the submissions of the rival parties. The genealogy is produced on record at page no. 47. The relationships of the petitioners with the validity holder is not disputed. Umakant a validity holder is father of petitioners Pooja and Ganesh. Another validity holder Vinayak is the father of petitioner Vishwajeet. It is submitted by learned counsel for the petitioners that after following due procedure of law the validity certificates are issued to Umakant and Vinayak. The submissions is not controverted by the respondents. When self same record is scrutinized by the committee and validity certificates are issued then in the present matter the Scrutiny Committee committed error of jurisdiction in rejecting the caste claim.

6. Learned AGP would submit that during the vigilance enquiry the caste of the blood relatives was revealed to be Telang. To repel this submissions, learned counsel has placed reliance upon the

decision rendered on 05.10.2017, in the matter of Ashish Bhagwan Chaudhari Versus The State of Maharashtra and others, in Writ Petition No. 10388 of 2017. The paragraph no. 6 is as follows :

6. In our considered view, “Telang” is not a caste but is a surname or the description relating to the area from where the person belongs and “Hindu” is also not a caste but is a religion. On the basis of recording of “Telang” or “Hindu” in the documents of relatives of the Petitioner, the caste validity claim of the Petitioner could not have been rejected. The said entries are inconsequential.

7. We respectfully concur with the view taken by the coordinate bench in the above matter. Therefore, the entries of Telang in the school record of the relatives of the petitioner are inconsequential. The finding recorded by the Scrutiny Committee in that regard is perverse.

8. The Scrutiny Committee is intending to reopen the matters of validity holders. Unless their validity certificates are revoked, petitioners cannot be denied the validity certificates. They are entitled to validity certificates, but on certain conditions. We hold that impugned judgment and order is unsustainable. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 30.08.2021, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Rajgond' 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 certificates of validity shall be issued 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.]**