

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

WRIT PETITION NO. 10315 OF 2023

**SHRIRAJ VINAYAK MENE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioner : Mr. Choudhari Deepak D.
AGP for Respondents/State : Mr. A.S. Shinde
...

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

DATE : 25 AUGUST 2023

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

1. Heard both sides finally.
2. The petitioner is challenging the judgment and order dated 29.11.2022 passed by the Scrutiny Committee invalidating the tribe claim for '*Koli Mahadev*'. The petitioner is relying upon the validity certificates issued to his father, uncle and grand-father.
3. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has rightly rejected the caste claim in view of the contrary entries of Babu Koli, Lakshmibai Babu Mene. The manipulation in the school record was also noticed. The validity certificates are not reliable. The Scrutiny Committee has issued show cause notices for re-verification.

4. We have considered rival submissions of the parties. The genealogy produced by the petitioner at Page no. 22 is not disputed. The validity certificates issued to the father, uncle and grandfather of the petitioner were by reasoned order, is also not controverted seriously by the learned AGP. When the relevant record was already scrutinized, then the successive committee cannot take contrary view on the self same record. The Scrutiny Committee ought to have followed the validity certificates instead of discarding them on the ground that they were procured by suppression of material facts.

5. We have noticed that the record of Chandrabhan Babu Mene and Suryabhan Bhaguji Mene indicates caste as '*Koli Mahadev*'. The entries have greater probative value. This was considered along with other material while granting validities to the father and uncle of the petitioners. We are of the considered view that the petitioner has made out a case for caste validity.

6. The Scrutiny Committee has proposed re-verification of the validity certificates. The objection of learned AGP regarding suppression of material facts or the reliability of validity certificates can be taken care of by the Scrutiny Committee. The petitioner is entitled to validity certificate conditionally. We find that the impugned judgment and order is unsustainable.

7. For the reasons stated above, we pass the following order :

ORDER

- i. The Writ Petition is partly allowed. The impugned judgment and order is quashed and set aside. The respondent-committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Koli Mahadev*' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
- ii) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]**[MANGESH S. PATIL, J.]**

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