

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

WRIT PETITION NO. 10164 OF 2023

Ghahsham Janardhan Bhotkar
Age : 17 years, Occu : Student,
Natural Guardian of petitioner
Janardhan S/o Gangaram Bhotkar ... Petitioner

VERSUS

The State of Maharashtra and another ... Respondents

**AND
WRIT PETITION NO. 10205 OF 2023**

Janardhan S/o Gangaram Bhotkar ... Petitioner

VERSUS

The State of Maharashtra and others ... Respondents

Advocate for Petitioner in both WPs : Mr. S.M.Kulkarni i/b. Mr. O.B.
Boinwad and Mr. Y.R. Suradkar.
AGP for Respondents/State : Mr. S.G.Sangale
Advocate for Respondents 3 & 4: Mr.Bhushan Kulkarni in WP/10205/23

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

DATE : 18 AUGUST 2023

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

1. Heard both sides finally.
2. The petitioners are challenging judgment and order dated 11.08.2023, passed by the Scrutiny Committee invalidating the caste claim of 'Koli Malhar-30' scheduled tribe. They are relying upon the

validity certificate of Sukhdeo, genealogy, the school record and the affidavits.

3. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claims in view of contrary entries in the school record and tampering of the school record. He would submit that the Committee rightly discarded the validity certificates. He would urge to dismiss the petitions.

4. Learned AGP has produced on record original files of Sukhdeo and Rangrao. It is further informed that the Committee has issued show cause notices to the validity holders.

5. We have considered rival submissions and perused the original record. The genealogy produced by the petitioners is at page no.36, which shows that Sukhdeo and Rangrao are paternal side close relatives. It reveals from the original files of Sukhdeo and Rangrao that they were issued with validity certificates by reasoned orders. The relevant record was considered and thereafter, validity certificates were issued. We are of the view that the validity certificates are issued after following due procedure of law. They are reliable.

6. In view of the judgment of the Supreme Court in the matter of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**, we are bound by

the validity certificates of Sukhdeo and Rangrao. The Scrutiny Committee erred in discarding the validity certificates.

7. As the Scrutiny Committee has undertaken re-verification of the validity holders, we need not go into the objections raised by the learned AGP for the validity certificates. The petitioners are entitled to conditional validities.

8. The impugned judgment and order is unsustainable. Hence, we pass the following order.

ORDER

i. The writ petitions are partly allowed. The impugned orders are quashed and set aside. The respondent - committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Malhar-30' 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 petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]