

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 10299 / 2023

Soham s/o Bhagirath Ballurkar

...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad
Near CIDCO Bus Stand, Aurangabad.

...Respondents

Mr. Chandrakant R. Thorat, Advocate for the Petitioner.

Mr. A.S. Shinde, AGP for respondents/State.

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

DATE : 21 AUGUST 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally.

1. The petitioner is challenging the judgment and order dated 10.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe claim as belonging to Gond scheduled tribe. He is relying upon the validity certificates of his father, grandfather and real uncle. His real uncle Sharad Ballurkar, was issued with validity certificate by the intervention of the High Court.

2. The learned AGP would oppose the tribe claim of the petitioner.

He would point out that the school record is incompatible with the tribe claim and there was manipulation in the school record. It is informed that the Scrutiny Committee has proposed to conduct re-verification.

3. The relationship of the petitioner with the validity holder is undisputed. The petitioner's uncle Sharad was issued with conditional validity certificate by order dated 16.12.2020 passed by this Court in Writ Petition No.8087/2020. We also propose to follow the same course. Unless and until the validity certificate issued to the validity holder is revoked, the petitioner cannot be deprived of the same social benefit. We have noticed that the selfsame record was considered earlier for issuing validity certificate to father and grandfather. The Scrutiny Committee committed patent illegality in rejecting the caste claim.

4. The impugned judgment and order is illegal and perverse. We, therefore, allow the writ petition partly.

5. The impugned judgment and order dated 10.08.2023 passed by the Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Gond' to the petitioner forthwith which shall be subject to re-verification proposed by the Scrutiny Committee. The petitioner shall not be entitled to claim equities. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]