

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 10296 / 2023

Pratap s/o Madhavrao Kompalwad

...Petitioner

Versus

1. The State of Maharashtra,
Through its 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 dissatisfied and aggrieved by the judgment and order dated 11.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe claim as belonging to Koli Mahadev scheduled tribe. According to him, in view of validity certificate issued to blood relative Vaibhav Kompalwad by the High Court in Writ Petition No.7595/2018, the impugned judgment and order is discriminatory and arbitrary. The old record is also sought to be relied upon by him to make out a case for validation.

2. The learned AGP supports the impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claim considering the tampering of the school record of Mahalan, Mahadrao, Govind and Ananda. The Committee has rightly discarded the validity certificates, which were procured by suppression of material fact. He would point out from revenue record that the entry in the name of Nagoba Ganpati is forged which is at page no.109.

3. We have considered rival submissions of the parties. The first validity holder Ananda Santuka Kompalwad was issued with validity certificate on 05.10.2011 by a reasoned order and considering all the relevant record. Thereafter his son Vaibhav was issued with validity certificate on condition by order of this Court at Principal Seat on 25.07.2018 in Writ Petition No.7595/2018.

4. The order of the High Court referred above is on record at page no.81. It shows that the relevant aspect of the record was considered by the High Court and the validity certificate was issued. The learned AGP is unable to point out any convincing reason for us to adopt contrary approach. On the ground of of parity, the petitioner is entitled to receive the benefit of validity certificate.

5. The Scrutiny Committee has been conducting the re-verification. The objections of the learned AGP for the old record, contrary entries and the manipulation can be gone into during re-verification. Unless and until the earlier validity certificates are revoked, we are not inclined to deprive the petitioner for equal social status.

6. We find that the impugned judgment and order is discriminatory and arbitrary. We are inclined to allow this petition partly by passing following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned judgment and order dated 11.08.2023 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Koli Mahadev' to the petitioner forthwith which shall be subject to the outcome of re-verification.
- (iv) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]