

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

WRIT PETITION NO. 11385 OF 2021

Prerna D/o Omprakash Mandewad,
Age : 17 years, Occu. : Education,
R/o Bapshetwadi, Tq. Mukhed,
Dist. Nanded.

Through father and natural guardian
Omprakash S/o Gyanoba Mandewad,
Age . 49 years, Occu. Service,
R/o as above

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Dist. Aurangabad.
3. The Commissioner & Competent Authority
Commissionerate of Common Entrance
Test Cell, Government of
Maharashtra, 8th Floor,
New Excelsior Building,
A. K. Naik Marg, Fort, Mumbai. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.
Shri M. D. Narwadkar, Advocate for the Respondent No. 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 AUGUST 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard learned counsel for the respective parties. Matter is taken up for final adjudication at the admission stage.

2. The petitioner is challenging judgment and order dated 09.09.2021 passed by the respondent No. 2/Scrutiny Committee invalidating her caste claim as belonging to 'Koli Mahadev' (Scheduled Tribe).

3. The petitioner is relying upon the validity certificate issued to her father Omprakash Gnyanoba Mandewad, her cousin Renuka Lahu Mandewad and uncle Ramchandra Gnyanoba Mandewad. The genealogy is placed on record which is not disputed.

4. The learned Assistant Government Pleader would oppose the claim and submissions of the petitioner. According to him, the school record is not compatible with the caste claim of the petitioner. The school record indicates Koli or Kole as a tribe of the petitioner or her relatives. There was invalidation of caste claim in the matter of Anand Tukaram Mandewad. The validity certificates were not reliable. Therefore, he would submit that no interference is called for in the impugned judgment and order.

5. The genealogy which is produced at page No. 17 is not disputed by the respondents. The father of the petitioner Omprakash Gyanoba Mandewad was issued with the validity

certificate. Besides that there are other validity holders in the family. The learned A. G. P. is unable to point out any circumstance to deviate us from relying upon the validity certificate. The Scrutiny Committee has committed perversity in discarding the validity certificates by assigning stereotype and unsustainable reasons.

6. The Scrutiny Committee has proposed to reopen the validity certificates. Unless the validity certificates are revoked, the petitioner cannot be deprived of the similar social status. The petitioner deserves conditional validity. In that view of the matter, the impugned judgment and order is unsustainable.

7. For the reasons recorded above, we pass following order.

8. The writ petition is partly allowed. The impugned 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.

9. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]