

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

WRIT PETITION NO. 8971 OF 2023

Muddasir S/o Mukhtar Khan Pathan,
Age : 25 years, Occ : Student,
R/o Shahinshah Nagar,
Dnyaneshwar Motor Driving School,
Dist. Beed.

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Maharashtra State,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad.
Through its Member Secretary.
3. Sub Divisional Officer,
Beed, Collector Officer,
Dist. Beed.
4. Hinduhriday Samrat Balasaheb
Thackeray Medical College,
Dr. R. N. Cooper Municipal
General Hospital, Juhu – Vile
Parle Mumbai – 400 056,
Through Dean.
5. Maharashtra University of
Health Sciences, Nashik,
Through its Registrar.

.. Respondents

Shri A. S. Golegaonkar Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 3.

CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 23 AUGUST 2023.

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

. Heard both sides for final disposal at admission stage considering the urgency expressed by the petitioner.

2. The petitioner is challenging the judgment and order dated 12.08.2022 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe claim as belonging to 'Tadavi' (Scheduled Tribe).

3. The petitioner is relying upon five validity certificates issued in his family by referring to genealogy which is submitted before this Court. Same is taken on record and marked 'X' for identification. According to him Bakhtar Khan Tadavi is the first validity holder.

4. The learned Assistant Government Pleader would oppose the caste claim of the petitioner. He would submit that the Scrutiny committee is justified in rejecting the tribe claim as there were manipulations in the record and validity certificates are outcome of misrepresentation and fraud. He would further submit that there is serious doubt about the relationship. The original papers of the committee are placed on record.

5. It is noticed that the petitioner has placed on record the

recent order passed by the Scrutiny Committee in the matter of validity holder Baktyar Khan, Muktar Khan and Moin Khan. The orders reflect consideration of old record by following vigilance enquiry. Their validity certificates are on record. We do not find any impediment in relying upon the validity certificates. The scrutiny committee has committed perversity in discarding the validity certificates.

6. Unless and until the validity certificates of the relatives of the petitioner are revoked, the petitioner cannot be denied the benefit of equal social status. It is informed that the scrutiny committee has issued notices for reverification. The petitioner has taken a risk of seeking validity subject to outcome of the reverification.

7. We find that the impugned judgment and order is unsustainable. The writ petition is disposed of by passing following order.

O R D E R

A) The writ petition is partly allowed.

B) The impugned order is quashed and set aside.

C) The respondent No. 2-Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Tadvi*' scheduled tribe in the prescribed format without adding anything.

D) The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

E) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23