

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

WRIT PETITION NO. 10650 OF 2019

MAHADEV VASANT RIDDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...
Advocate for Petitioner : Mr. S.M.Vibhute
AGP for Respondents No. 1 and 2 : Mr. S.G.Sangale
Adv for Respondent No. 3: Mr. S.G.Karlekar

...

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

DATE : 25 SEPTEMBER 2023

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

1. Heard both the sides finally.
2. The petitioner is challenging the judgment and order dated 16.08.2019 invalidating the tribe certificate of the petitioner and confiscating the same. The petitioner claims to be belonging to 'Koli Mahadev' Scheduled Tribe.
3. Learned counsel for the petitioner submits that in view of the validity certificate issued to Bansi Shamrao Ridde and considering selfsame record, the scrutiny committee patently erred in rejecting the caste claim. He would submit that Bansi son of Shamrao was also issued with validity certificate. The school record of Shamrao, Shivaji Kshirsagar, Suryabhan and Gautam support the tribe claim of the petitioner.

4. Learned AGP would support impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claim considering manipulation in the school record of close relatives of the petitioner. The validity certificate is rightly discarded by the committee. According to him, the committee has taken plausible view and no interference is called for.

5. We have considered the submissions of the parties. The genealogy at page no.17 is shown to us. The relationship of the petitioner with Bansi is not disputed. Before issuing validity certificate to Bansi, there was vigilance enquiry followed by speaking order of the scrutiny committee issuing the tribe validity certificate. The tribe validity certificate thus issued is reliable one. Bansi son of Shamrao was also issued with validity certificate. We find that the petitioner has made out a case to receive the validity certificate.

6. The learned AGP would submit that the school record which is sought to be relied by the petitioner is found to be tampered and cannot be relied on. The selfsame record was earlier considered in the matter of Bansi. The Successive Committee has no jurisdiction to take contrary view on the basis of the record which has suffered a scrutiny. In that view of the matter, we find that scrutiny committee has committed an error of jurisdiction in rejecting the caste claim.

7. Learned AGP has informed that a show cause notice is issued to Banshi for re-verification. The petitioner is entitled to validity certificate subject to the decision of the re-verification. We find that impugned judgment and order is unsustainable.

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 16.08.2019 is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificates of validity to the petitioner of '*Koli Mahadev*' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.
- iii. The Scrutiny Committee shall decide the reopened matter of Banshi Shamrao Ridde within a period of six weeks.
- iii. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]