

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

WRIT PETITION NO. 10833 OF 2023

Kishor Shivaji Choudhari,
Age : 18 years, Occu. : Education,
R/o Malegaon (K), Tq. Nilanga,
Dist. Latur. .. Petitioner

Versus

1. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, (Headquarter
at Aurangabad).
through its Member Secretary.
2. State Common Entrance Test Cell,
Maharashtra, Mumbai,
8th Floor, New Excelsior,
A. K. Nayak Marg, Fort, Mumbai,
through its Commissioner &
Competent Authority. .. Respondents

Shri Umesh Gite, Advocate h/f Shri Mahesh S. Deshmukh,
Advocate for the Petitioner.
Shri A. A. Jagatkar, A.G.P. for the Respondent No. 1.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 31 AUGUST 2023.**

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

. Heard both the sides finally at the admission stage.

2. The petitioner is assailing the judgment and order dated 06.04.2023 passed by the respondent No. 1/Scrutiny Committee thereby invalidating his tribe claim as belonging to 'Rajgond'

(Scheduled Tribe).

3. The petitioner is relying on the judgment and order dated 06 December 2021 passed by the Division Bench of this Court in Writ Petition No. 14215 of 2018 Shweta Venkatrao Choudhari Vs. Scheduled Tribe Certificate Scrutiny Committee and others.

4. Per contra the learned Assistant Government Pleader supports the impugned judgment and order. According to him the Scrutiny Committee has rightly rejected the caste claim considering the contrary entries and the validity certificates produced by the petitioner are not reliable. The scrutiny committee has taken into account relevant record and has arrived at plausible and just conclusion. He would therefore urge that no interference is called for in the impugned judgment and order.

5. The petitioner has placed on record the genealogy which at page No. 35 of the writ petition. The validity holder Shweta Venkatrao Choudhari is in the paternal side relation of the petitioner. The genealogy is not disputed by the respondents. The learned counsel for the petitioner invited our attention to the judgment and order dated 06 December, 2021 passed by this Court which at Exhibit – J in Writ Petition No. 14215 of 2018 in the matter of Shweta Venkatrao Choudhari Vs. Scheduled Tribe Certificate Scrutiny Committee and others. The entire record is already considered by this Court a threadbare. The scrutiny committee was directed to issue validity certificate to Sweta who

is the paternal side relative of the petitioner on condition. We also propose to adopt the same course. The petitioner is entitled to validity certificate conditionally.

6. As the self same record is already scrutinized by this Court, it is impermissible to the Scrutiny Committee to arrive at a contrary finding and invalidate the caste claim of the petitioner. We find that the scrutiny committee has committed grave error of jurisdiction.

7. The learned A. G. P. has informed that the committee is intending to reopen the matter of validity holder. The committee can look into the objections of the learned A. G. P. regarding infirmities in the record and the validity certificate of Sneha during the course of reverification. For presently the impugned judgment and order is unsustainable and deserves to be quashed and set aside.

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

O R D E R

A. 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 'Rajgond' 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.

B. Considering the fact that tomorrow is the last date for submitting certificate of validity and since the matter is being heard and decided urgently, we request the learned AGP to communicate this order to the Committee immediately, since the law officer of the Committee is present in this Court.

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

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 23