

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

WRIT PETITION NO. 10492 OF 2023

1. Mahesh s/o Piraji Galande,
Age: 20 years, Occu. : Education,
2. Vishnu s/o Piraji Galande,
Age : 17 years, Occu. : Education,
Under guardianship of his natural
guardian and father
Piraji Bapurao Galande,
Age : 41 years, Occu. : Agril.,
R/o Malegaon, Tq. Ardhapur,
Dist. Nanded. .. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scrutiny Committee for Scheduled
Tribes, through Vice Chairman,
Aurangabad. Through its
Member Secretary, Aurangabad. .. Respondents

AND

WRIT PETITION NO. 10574 OF 2023

Ganesh s/o Chandu Galande,
Age: 22 years, Occu. : Education,
R/o Malegaon, Tq. Ardhapur,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,

Tribal Development Department,
Mantralaya, Mumbai-32.

2. Scrutiny Committee for Scheduled Tribes, through Vice Chairman, Aurangabad. Through its Member Secretary, Aurangabad. .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioners in both matters.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2 in both matters.

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

DATE : 25 AUGUST 2023.

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

. Heard both the sides.

2. At the request of the learned counsel of the petitioner the papers in Writ Petition No. 10574 of 2023 are called for.

3. The petitioners are from the same family. They claim to be the members of Scheduled Tribe "Koli Mahadev". Their tribe claims are invalidated by distinct judgment and order dated 18.08.2023 and 22.08.2023 respectively passed by the respondent No. 2/Scrutiny Committee. Being aggrieved they have filed present writ petitions. As there is common record, both the petitions are disposed of by this common order.

4. The petitioners are relying upon the genealogy and their admitted relations with the validity holder Laxminarayan. They

further rely upon the judgment and order dated 01.08.2019 passed by this Court in the matter of validity holder Laxminarayan issuing validity certificate in Writ Petition No. 9063 of 2019. On the ground of parity, they claim relief in the present petitions.

5. The learned Assistant Government Pleader has opposed both the writ petitions. According to him the Scrutiny Committee is justified in rejecting the caste claims because there were contrary entries and manipulation was noticed in the school record of Narayan Dhondiba Galande and Shivaji Venkatrao Galande. The scrutiny committee has rightly discarded the validity certificate. It is submitted that this is not fit case to exercise the writ jurisdiction in favour of the petitioners.

6. We have considered rival submissions of the parties. Laxminarayan who is brother of the petitioners in Writ Petition No. 10492 of 2023 is a validity holder. His caste claim was rejected by the committee. Against that he had preferred Writ Petition No. 9063 of 2019. The Division Bench of this Court allowed the writ petition by order dated 01.08.2019, which is at page No. 52. The old entries, contrary entries and relevant record was considered by the Division Bench. The self same record was placed before the scrutiny committee to consider the caste claims of the petitioners. Unless and until the validity certificates are revoked, the petitioners cannot be deprived of the validity certificates. We propose to adopt the same course. The petitioners are entitled to validity certificates on certain

conditions.

7. The scrutiny committee has proposed reverification. The objections of the learned A. G. P. regarding suppression of material facts, contrary entries and manipulation can be gone into during the reverification. The scrutiny committee has committed patent illegality in rejecting the caste claims of the petitioners.

8. For the reasons stated above, we are inclined to dispose of the writ petitions by passing following order.

ORDER

A. The writ petitions are partly allowed.

B. The impugned judgment and order dated 18.08.2023 passed by the respondent No. 2/Committee in Writ Petition No. 10492 of 2023 and impugned judgment and order dated 22.08.2023 passed by the respondent No. 2/Committee in Writ Petition No. 10574 of 2023 are quashed and set aside.

C. The Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' (Scheduled Tribe) on condition that it shall be subject to the decision/out come in the matters to be reopened by the Committee of the validity holders.

D. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.

E. The petitioners shall not be entitled to claim equities.

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

bsb/Aug. 23