

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

WRIT PETITION NO. 10499 OF 2023

Akash s/o Kedar Dudhambe,
Age: 26 years, Occu. : Education,
R/o Karajkheda,
Tq. & Dist. Osmanabad. .. 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.
- 3] The Maharashtra University of
Health Sciences Nashik, Dindori
Road, Mhasrool, Nashik.
Nashik – 422004.
Through its Registrar
- 4] Seth G. S. Medical College &
K. E. M. Hospital, Acharya
Donde Marg, Parel,
Mumbai 400012.
Through its Dean. .. Respondents

Shri O. B. Boinwad, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.
Shri Jayant R. Patil, Advocate for the Respondent No. 3.

**AND
WRIT PETITION NO. 10572 OF 2023**

1. Jyoti d/o Kedar Dudhambe,
Age: 26 years, Occu. : Education,
2. Sachin s/o Kedar Dudhambe,
Age : 26 years, Occu. : Education,

Both R/o Karajkheda,
Tq. & Dist. Osmanabad.

.. 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

Shri O. B. Boinwad, Advocate for the Petitioners.

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

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 25 AUGUST 2023.**

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

. Heard learned counsel for the parties finally at the admission stage.

2. At the request of the learned counsel for the petitioners papers of Writ Petition No. 10572 of 2023 are called for.

3. There is common judgment and order dated 18.08.2023

passed by the respondent No. 2/Scrutiny Committee thereby invalidating the tribe claims of the petitioners as belonging to “Koli Mahadev” (Scheduled Tribe), which is under consideration. Therefore, both the matters are decided by this common order.

4. The petitioners are the siblings of Kedar Sopan Dudhambe, who is the validity holder. Another validity holder in the family is their uncle Ramesh. According to the learned counsel for the petitioners both the validity certificates are issued after following due procedure of law and would enure to the benefit of the petitioners.

5. The learned Assistant Government Pleader supports the impugned judgment and order. He strenuously pointed out that there are contrary entries of the school record. The vigilance enquiry revealed manipulation of the school record of the close relatives. The validity certificates are procured by suppression of material facts. It is contended that the committee has taken reasonable and plausible view in rejecting the caste claims. The learned A. G. P. has further informed that the Scrutiny Committee has proposed reverification of the validity certificates of father and uncle of the petitioners.

6. We have considered rival submissions of the parties. Our attention is invited to the vigilance report prepared in the matter of Ramesh, which is at page No. 50. It reveals that the school record of the relatives was verified. By reasoned order the validity certificate was issued to the uncle of the petitioners

Ramesh. The petitioners' father was also issued with the validity certificate, which is not disputed by the respondents. When on the self same record the validity certificates are issued to the paternal side relatives, we find that it is discriminatory approach of the Committee to deny the social status to the petitioners. The Scrutiny Committee has arbitrarily rejected the caste claims.

7. The scrutiny committee has discretion to undertake reverification. The petitioners have run a risk of relying upon the validity certificates which are under reverification. Unless the earlier validity certificates are revoked, it is inappropriate to deny the same social status to the petitioners. We find that all the petitioners are entitled to conditional validities. We therefore pass following order.

O R D E R

- a) The writ petitions are partly allowed.
- b) The impugned common judgment and order dated 18.08.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c) The respondent No. 2/Scrutiny Committee shall immediately issue caste validity certificates to the petitioners as belonging to "Koli Mahadev" (Scheduled Tribe).
- d) The validity certificates shall be subject to the outcome of

the reverification undertaken by the scrutiny committee in case of validity holders.

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

f) The petitioners shall cooperate in reverification of the validity certificates.

g) The petitioners shall not be entitled to claim equities.

h) The writ petitions are disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23