

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

WRIT PETITION NO. 12002 OF 2021

Sandesh Bhausahab Ghorpade

...Petitioner

Versus

1. The State of Maharashtra
Tribal Development Department, Mumbai.
2. The Scheduled Tribe Certificate Scrutiny Committee,
Through its Member Secretary, Nashik.
3. College of Agriculture,
Through its Principal, Latur.

...Respondents

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Advocate for Petitioner : Mr. D.D. Choudhari
AGP for Respondent No. 1 and 2/State : Mr. A. S. Shinde
Advocate for Respondent No.3 : Mr. B. A. Shinde

...

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

DATE : 08 AUGUST 2023

ORDER (Shailesh P. Brahme, J.) :

. Heard both the sides finally at the admission stage.

2. Being aggrieved by the judgment and order dated 27.09.2021 passed by the respondent no.2/Scrutiny Committee, invalidating the caste claim of the petitioner for Koli Mahadev scheduled tribe, the petitioner has filed this petition. He is relying upon the validity certificate of his father Bhausahab and his close relatives which are mentioned at page no.62 of the impugned judgment.

3. The learned AGP supports the impugned judgment and order. He submits that the Scrutiny Committee has rightly rejected the claim considering the contrary entries, inconsistent genealogy and suspicious validity certificate. It is also informed by him that the Scrutiny Committee is conducting re-verification of the validity holders. He has placed on record the original file of father of the petitioner.

4. It reveals from the record that father, real sister and number of relatives on the paternal side were issued with the validity certificates. Out of them first validity was issued to cousin Aunt Kiran. There was vigilance report in her matter. In case of the father of the petitioner, there was vigilance enquiry. By a reasoned order father was issued with validity certificate. We find that the validity certificates of the aunt and father are reliable and they would enure to the benefits of the petitioner.

5. It is noticed that the Scrutiny Committee is conducting re-verification of the validity holders. Unless and Until the validity certificates are revoked, the petitioner cannot be deprived of the validity certificate. We restrain ourselves from offering any comment for the submissions of the learned AGP regarding the contrary entries or the validity certificates.

6. We find that the impugned judgment and order is arbitrary and unsustainable. We, therefore, pass the following order.

ORDER

A. The writ petition is partly allowed.

- B. The impugned order dated 27.09.2021 passed by the respondent no.2/Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe).
- C. It shall be subject to the decision/outcome in the matters to be reopened by the Committee of the validity holders.
- D. The certificate of validity shall be issued in the prescribed format without incorporating other conditions.
- E. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]