

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 11909 / 2021

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| 1. Vikas Sanjaykumar Hajare | |
| 2. Suvarna Sanjaykumar Hajare | |
| 3. Aparna Sanjaykumar Hajare | ...Petitioners |

Versus

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| 1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai. | |
| 2. The Scheduled Tribe Certificate
Scrutiny Committee, Nashik,
Through its Deputy Director (R). | |
| 3. The Principal,
Veterinary & Dairy Diploma School,
Daithane Gunjala, Tq. Parner,
Dist. Ahmednagar. | |
| 4. The Registrar,
Maharashtra Animal & Fish Science University,
Nagpur, Tq. & Dist. Nagpur. | |
| 5. The Principal,
Dr.N.J. Kulbudhe College of Pharmacy, Shivdi,
Ahmednagar, Tq. Dist. Ahmednagar. | |
| 6. The Registrar,
Savitribai Phule Pune University,
Pune, Tq. Dist. Pune. | ...Respondents |

Mr. P. V. Jadhavar, Advocate for the Petitioner.

Mr. S.G. Sangale, AGP for respondents/State.

Mr. P. G. Rodge, Advocate for Respondent No.4

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

DATE : 24 AUGUST 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally.

1. The petitioners are the siblings of Sanjaykumar. They have taken exception to the judgment and order dated 15.01.2021 passed by the respondent no.2/Scrutiny Committee, invalidating their tribe claim as belonging to Koli Mahadev scheduled tribe. The petitioners are relying upon the validity certificates of father, uncle, cousin uncles and cousin brothers.

2. The learned AGP would oppose the caste claim of the petitioners. He would submit that the Scrutiny Committee is justified in rejecting the caste claim because the manipulation in the school record was noticed. The genealogy which is relied upon by the petitioners is found to be suspicious. The validity certificates are procured by misrepresentation and they are not reliable. He has produced on record the original papers of the petitioners. The difference in the genealogy is tried to be shown by referring to the papers. It is further informed that the Scrutiny Committee has proposed re-verification of the validity holders.

3. There is no dispute that there are six validity certificates issued to the close paternal side blood relatives. The genealogy is not disputed. One of the validity holders is father of the petitioners. From the original papers, it is noticed that the voluminous documentary evidence was produced before the Scrutiny Committee.

The learned AGP has not disputed that the validity certificates are issued after following due procedure of law. We are bound to follow the validity certificates. The Scrutiny Committee has committed perversity in discarding them.

4. The Scrutiny Committee has reopened the matters of the validity holders. Unless earlier validity certificates are revoked, the petitioners cannot be denied the validity certificates. The petitioners are entitled to conditional validity.

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

ORDER

- (i) The writ petition is partly allowed.
- (ii) The judgment and order dated 15.01.2021 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Scrutiny Committee shall immediately issue tribe validity certificates of scheduled tribe 'Koli Mahadev' to the petitioners , which shall be subject to the final outcome of re-opened matters.
- (iv) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]