

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

WRIT PETITION NO. 10883 OF 2023

1. ABHIJIT DHONDIRAM RADDEWAD
2. GOVARDHAN DHONDIRAM RADDEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. Bayas Anandsingh Sangramsingh

AGP for Respondents : Mr. A.S. Shinde

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

DATE : 01 SEPTEMBER 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard learned counsel for the parties.
2. The petitioners are the siblings of Dhondiram Tukaram Raddewad. They are challenging common judgment and order dated 23.08.2023, passed by the Scrutiny Committee, invalidating their tribe certificates. Though there is no validity certificate in the family, there is clinching school record to support their claims.
3. Learned AGP has opposed the tribe claims of the petitioners. He would submit that the school record of the relatives of the petitioners indicates caste as 'Koli', which is incompatible. According to him, the Scrutiny Committee is justified in holding that the affinity test is recorded against the petitioners.

4. We have considered the submissions of the rival parties. The school record of Rohidas Nivrutti Raddewad is of 1941 to indicate caste as 'Koli Mahadev'. The school record of 1962 of Muktabai Eknath Raddewad also shows the same caste. The school record is old enough and has probative value. Rohidas and Mukatabai are the relatives of the petitioners. The above record is verified by the Vigilance Officer. There is no reason to disbelieve the record.

5. We find that the Scrutiny Committee wrongly discarded the old record referred above. The petitioners have made out a case to validate their tribe claims. We find that the impugned judgment and order is unsustainable. Hence, we pass following order :

ORDER

- i. The Writ Petition is allowed.
- ii. The impugned order dated 23.08.2023, passed by the respondent no. 2 – Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe.
- iv. Accordingly, Writ Petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]