

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

WRIT PETITION NO. 10828 OF 2023

1. Saikumar Sayalu Iralwad,
Age : 19 years, Occu. : Student,
R/o Chikna, Tq. Dharmabad,
Dist. Nanded.
 2. Shubham Suresh Iralwad,
Age : 25 years, Occu. : Student,
R/o Chikna, Tq. Dharmabad,
Dist. Nanded.
- .. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
 2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Head Quarter, Aurangabad
Through its Deputy Director (R)
- .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioners.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 31 AUGUST 2023.**

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

- . Heard both the sides finally at the admission stage.
2. The petitioners are challenging the judgment and order

dated 24.08.2023 passed by the respondent No. 2/Scrutiny Committee thereby invalidating their tribe claims as belonging to 'Koli Mahadev' (Scheduled Tribe).

3. The petitioners are relying upon the validity certificate issued to Shrinivas and Shaileshkumar. Both the validity certificates are the outcome of the orders passed by this Court in distinct writ petitions.

4. The learned Assistant Government Pleader supports the impugned order. According to him the Scrutiny Committee has rightly rejected the caste claims considering the manipulation in the school record of Sailu Madhavrao Iralod. The documentary evidence produced by the petitioner on record discloses that the caste is Koli which is non tribe. The scrutiny committee is justified in discarding the validity certificates which were procured by the suppression of material facts.

5. The petitioners have placed on record the clinching evidence of validity certificates of Shrinivas and Shaileshkumar. A look at the genealogy which is at page No. 74 of the writ petition reveals that Shaileshkumar is the real brother of one of the petitioners Saikumar. Shrinivas is real brother of another petitioner Shubham. Shrinivas was issued with the validity certificate in pursuance of the judgment and order dated 25.07.2018 passed by this Court in Writ Petition No. 7534 of 2018 which is at page No. 63 of the petition. Similarly the Shaileshkumar was issued with the validity certificate in

pursuance of the judgment and order dated 20.08.2019 passed by the Division Bench of this Court at Principal Seat at Bombay in Writ Petition No. 9022 of 2019. The relevant record was considered by this Court in the matters of Shriniwas and Shaileshkumar. We propose to adopt same course. We therefore held that the petitioners are entitled for the validity certificates conditionally.

6. The objection of the learned A. G. P. regarding suspicious genealogy placed on record or branch of Madhav was not shown by Raosaheb can be gone into during reverification. Unless the validity certificates of Shriniwas and Shaileshkumar are revoked, the petitioners cannot be denied the validity certificates.

7. We find that the impugned judgment and order is discriminatory and arbitrary. For the reasons recorded above, we pass following order.

O R D E R

A. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificate to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

B. Considering the fact that tomorrow is the last date for submitting certificate of validity and since the matter is being heard and decided urgently, we request the learned AGP to communicate this order to the Committee immediately, since the law officer of the Committee is present in this Court.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23