

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

3 WRIT PETITION NO.13125 OF 2023

Suraj s/o Shivaji Methewad,
Age : 17 years, Occu. Student,
Guardianship of natural Guardian and father
Shivaji Tukaram Methewad,
Age : 45 years, Occu. Service,
R/o. At Bhagnur, Post : Chandol,a
Tq. Mukhed, Dist. Nanded.

...Petitioner

Versus

- 1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
- 2] The Scheduled Tribes Certificate
Scrutiny Committee,
Kinwat Headquartered at Aurangabad,
Through its Vice-Chairman,
Aurangabad.

...Respondents

...
Advocate for Petitioner : Mr. Omgashad B. Boinwad
AGP for Respondent/State : Mr. S. G. Sangle
...

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.**

DATED : 23rd OCTOBER 2023

ORDER [Per Neeraj P. Dhote, J.] : -

1. Heard both the sides.
2. Impugned in the petition is the order dated 20.07.2023
passed by the respondent no. 2 – the Scheduled Tribes Certificate

Scrutiny Committee [hereinafter referred to as the 'Committee'], thereby invalidating the tribe claim of the petitioner of belonging to 'Koli Mahadev'.

3. The petitioner is the student seeking admission to the Health Science under Graduate Courses through NEET - 2023 and, therefore, the petitioner's tribe claim came to be referred to the respondent no. 2 – Committee. Petitioner relies on the tribe validity of her father issued by the Committee vide order dated 12.05.2009 as belonging to 'Koli Mahadev' Scheduled Tribe. According to the petitioner, tribe claim of her father was validated after following due procedure of law.

4. Learned AGP supports the impugned order and submits that, during the vigilance inquiry of the petitioner's tribe claim, certain contrary entries came to the notice so also interpolation in the record. The Committee has proposed re-verification of the validity granted to the petitioner's father on the basis of the contrary entries in the record.

5. The Respondent no. 2 – Committee has observed in the impugned order that one gets the caste from the father. Until the validity certificate of the petitioner's father is revoked, the petitioner cannot be deprived of the same social status and, therefore, we find

that the petitioner is entitled to the certificate of validity towards the aforesaid tribe claim. In view of aforesaid, we proceed to pass the following order.

ORDER

- [i] The Writ Petition is partly allowed.
- [ii] The impugned Judgment and Order dated 20.07.2023 passed by the Scrutiny Committee, is quashed and set aside.
- [iii] The Committee shall immediately issue a certificate of tribe validity to the petitioner of 'Koli Mahadev' Scheduled Tribe.
- [iv] The Law Officer of the Scrutiny Committee is present in the Court and has been assisting the learned AGP. Both of them shall communicate this decision to the Committee.
- [v] The petitioner shall not claim any equity.
- [vi] The certificate of validity would be subject to the final outcome of the matter and the validity of his father which the Committee intends to reopen.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE