

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

WRIT PETITION NO. 10880 OF 2018

SAURABH SANJAY GHANTE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner : Mr. P.V. Jadhavar
Addl. GP for Respondents : Mr. P.S. Patil

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

DATED : 03 AUGUST, 2023

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

1. Heard both sides for final disposal of the Writ Petition. There is an urgency expressed by the petitioner and, therefore, taken up for final hearing at the admission stage.

2. The petitioner is challenging the judgment and order dated 30.06.2018, passed by the Scrutiny Committee, invalidating his claim for 'Koli Mahadev' scheduled tribe. He is relying upon the orders passed by the High Court in the matters of Sumeet and Swastik, who are his blood relatives. Besides that, he has placed on record the validity certificates issued in his family demonstrated by genealogy at page no. 42.

3. Learned AGP supports impugned judgment and order. The Scrutiny Committee has rightly rejected the caste claim

considering contrary entries in the school record. According to him, the Scrutiny Committee is justified in discarding the validity certificates in support of the petitioner. It is also informed during the course of hearing that the Scrutiny Committee has decided to re-open the matters of the validity holders.

4. The petitioner is relying upon the genealogy which is at page no. 42. From the said genealogy, it can be seen that validity certificate issued to Dayanand, Shobha, Subhash, Sanjay, Swastik, Sumeet and Swati. Sanjay is father of the petitioner. It is contended by the petitioner that the validity certificates were issued after following the due procedure of law. Learned AGP cannot point out any circumstance to disbelieve the validity certificates.

5. During the course of hearing the petitioner has produced on record the orders passed by the High Court in the matter of Sumeet Subhash Ghante Versus The State of Maharashtra and others, in Writ Petition No. 14997 of 2019 and in the matter of Swastik Shivaji Ghante Versus The State of Maharashtra and others, in Writ Petition No. 4042 of 2019. Sumeet and Swastik are paternal side blood relatives of the petitioner which is evident from the genealogy. They were directed to be issued validity certificates conditionally by the orders passed by the High Court. In the light of

the above, we also propose to follow the same course. The petitioner is entitled to get validity certificate conditionally.

6. We hold that the impugned judgment and order is discriminatory and unsustainable. We, therefore, pass following order:

ORDER

i. The impugned judgment and order passed by the Scrutiny Committee is quashed and set aside.

ii. The Scrutiny Committee shall issue validity certificate to the petitioner for 'Koli Mahadev' scheduled tribe within a period of two weeks from today, on condition that the validity shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee.

iii. The petitioner shall not claim any equity.

7. The Writ Petition is disposed of in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)