

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

WRIT PETITION NO. 12289 OF 2019

Aniket S/o Prakash Chame,
Age : 18 years, Occu. : Education,
R/o Kasoda, Tq. Gangapur,
Dist. Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
through its Deputy Director (R),
Aurangabad Dist. Aurangabad.
3. The Respondent No. 3 is deleted
as per order dated 09.10.2019.
4. The Principal,
Hariom Junior College (Arts,
Commerce and Science)
Turkabad Kharadi, Tq. Gangapur,
Dist. Aurangabad. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 SEPTEMBER 2023.**

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

. Heard both sides finally at the admission stage.

2. Being aggrieved by the judgment and order dated 09.08.2019 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe certificate as belonging to 'Koli Mahadev' (Scheduled Tribe) of the petitioner and confiscating it, the present petition is filed.

3. The reliance is placed on validity certificate of the father and old revenue record from page No. 46 to 48 of the paper book.

4. Per contra, the learned Additional Government Pleader supports the impugned judgment and order. He would submit that the Scrutiny Committee found that the school record of the relatives of the petitioner was incompatible with the tribe claim and indicative of caste Koli. The Committee has rightly appreciated that there is manipulation in the school record of Ramnath, Laxman, Raosaheb and Manikrao. It is further submitted that the Committee has rightly found fault with the validity certificate of the father of the petitioner.

5. In order to demonstrate the interpolation and the contrary entries, the learned Addl. G. P. has produced on record original papers of the petitioner. It is further informed that the Scrutiny Committee has undertaken reverification of the validity certificate of the father of the petitioner. It is therefore prayed to

dismiss the petition.

6. The learned Addl. G. P. has opposed the claim of the petitioner. He has invited our attention to the original papers of the petitioner disclosing the adverse entries in the school record of Ramnath, Laxman, Sakharchand and Totaram. He would submit that the revenue record is tampered. He would also submit that the contrary old entries of Laxmi and Sakharchand are not denied by the petitioner.

7. The learned counsel for the petitioner has invited our attention to the genealogy which is at page No. 17. The father of the petitioner Prakash is the validity holder. The revenue record which is sought to be relied upon by the petitioner is in the name of great grandfather of the petitioner. The revenue record demonstrates entry of caste Koli Mahadev of 1953-54. It was verified during the vigilance enquiry. It was considered in the matter of father of the petitioner. It was not referred to the vigilance enquiry. It is old one and corroborates the claim of the petitioner.

8. The petitioner's father was issued with the validity certificate after considering self same record. It is not yet revoked. The reverification is under way. We find that his caste certificate is reliable one. Unless it is revoked the petitioner cannot be denied the same social status.

9. It is pointed out by the learned counsel for the petitioner

that a reply was tendered to the vigilance enquiry report. In para No. 2 a justification is given for the contrary entries of Laxmi and Sakharchand. In para No. 7 of the reply it is stated that old document of 1937 of Totaram was produced on record, but no vigilance enquiry was conducted. We find substance in the contention of the petitioner. The revenue record of Totaram which is at page 48 is helpful to the petitioner. In that view of the matter, the committee appears to have committed grave illegality. We are inclined to allow this writ petition.

10. For the reasons stated above, we pass following order.

ORDER

- A. The writ petition is partly allowed.
- B. The impugned judgment and order dated 09.08.2019 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue tribe validity certificates to the petitioner as belonging to the 'Koli Mahadev' (Scheduled Tribe) forthwith.
- D. The said validity certificate shall be subject to the outcome of the reverification undertaken by the scrutiny committee of the validity holders.
- E. The petitioner shall not be entitled to claim equities.

F. The writ petition is disposed of in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23