

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 11462 / 2023

Yash s/o Datta Kamble

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Member Secretary.

...Respondents

Mr. Vivek U. Jadhav, Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for respondents/State.

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

DATE : 14 SEPTEMBER 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally.

1. The petitioner is assailing the judgment and order dated 31.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe claim as belonging to Koli Mahadev scheduled tribe. He is relying upon the validity certificates issued to his father and cousin uncles. He submits that the validity certificates were issued by following due procedure of law and should have been accepted by the Committee.

2. Per-contra, the learned AGP supports the impugned judgment and order. He submits that there are contrary entries of Saheb Laxmanrao of 1956, Kashinath Laxmanrao of 1958 and Harikisan Laxman Kamble of 1957 respectively. According to him, the Scrutiny Committee is justified in relying upon the revenue record to reject the caste claim of the petitioner. The validity certificate of the petitioner stated to be unreliable because the contrary record and the manipulation were overlooked.

3. The learned AGP has placed on record the original papers of validity holder, Datta Harikisan Kamble. It is informed that the Scrutiny Committee has undertaken re-verification of the validity certificates in the family.

4. We find that there is no dispute about the relationship amongst the persons figuring in the genealogy at page no.32. Father and cousin uncles of the petitioner hold validity certificates. The petitioner has placed on record the vigilance enquiry report prepared in the matter of his father. From the original papers it can be seen that by speaking order, petitioner's father was issued with validity certificate. It appears that due procedure of law was followed in securing the validity certificate. It should enure to the benefit of the petitioner.

5. The learned Advocate for the petitioner has referred to the order passed by the High Court on 06.08.1993 in Writ Petition No.2407/1993 in the matter of Kum. Jyoti Namdeorao Kamble Vs.

State of Maharashtra and Others, which is placed on record. Jyoti is daughter of Namdeorao Kamble who is shown in the genealogy at page no.87. Jyoti is paternal side relative of the petitioner. Her validity certificate is another good ground to allow the present petition.

6. The selfsame record was earlier considered by the Scrutiny Committee and validity certificates are issued in the family. Unless the validity certificates are revoked, the petitioner cannot be denied the benefit of the social status. We hold that the Scrutiny Committee committed perversity in rejecting the caste claim of the petitioner. We, therefore, pass the following order.

ORDER

- (i) The judgment and order dated 31.08.2023 passed by the Scrutiny Committee is quashed and set aside.
- (ii) The Scrutiny Committee shall issue tribe validity certificate of Koli Mahadev scheduled tribe to the petitioner forthwith which shall be subject to result of the re-verification undertaken by the Scrutiny Committee.
- (iii) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]