

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

WRIT PETITION NO. 12088 OF 2019

Pranita D/o Digambar Mekhale,
Age : 19 years, Occu. : Education,
R/o Hirapur, Tq. Georai,
Dist. Beed.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
 2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
Through its Member Secretary,
Aurangabad.
 3. The Principal,
Government Nursing College,
Civil Hospital Beed,
Tq. and Dist. Beed.
- .. Respondents

**WITH
WRIT PETITION NO. 12097 OF 2019**

Pratiksha D/o Digambar Mekhale,
Age : 24 years, Occu. : Education,
R/o Hirapur, Tq. Georai,
Dist. Beed.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate Verification Committee, Aurangabad, Through its Member Secretary, Aurangabad.

3. The Principal,
Ramakrishna Diploma College of
Livestock Management &
Diary Production, Moewadi,
Tq. Ambajogai, Dist. Beed.

.. Respondents

Shri S M. Vibhute, Advocates for the Petitioners in both matters.
Shri A. S. Shinde, A.G.P. for the Respondents/State in both matters.

Shri L. H. Kawale, Advocate h/f Shri K. J. Suryawanshi,
Advocate for the Respondent No. 3 in W. P. No. 12097 of 2019.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 06 SEPTEMBER 2023.**

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

. Heard both the sides finally at the admission stage.

2. The learned counsel for the petitioner has prayed for calling for the papers of Writ Petition No. 12097 of 2019, which is also emanating from common judgment and order which is under challenge. Therefore, both the petitions are considered for final disposal.

3. The petitioners are the siblings of Digambar Ganpat Mekhale. They were issued with validity certificate of 'Koli Mahadev' (Scheduled Tribe). The proposals of the petitioners were forwarded for verification to the Scrutiny Committee. The

scrutiny committee invalidated the tribe certificates and confiscated the same by common judgment and order dated 14.08.2019.

4. The petitioners rely upon the validity certificate issued to their father and the judgment and order dated 31.08.2023 passed by this Court in the matter of their real brother Shubham.

5. The learned Assistant Government Pleader supports the impugned judgment and order. He has pointed out the contrary entries recorded in the school record of the relatives of the petitioners and manipulation revealed in the school record of few of them. He would submit that the validity certificate of the father is not reliable one and no case is made out to interfere with the findings recorded by the scrutiny committee.

6. There is no dispute that petitioners' father was issued with the validity certificate after conducting the vigilance enquiry. He was issued with the validity certificate taking into account the self same record. His validity certificate is issued in accordance with law. We hold that the scrutiny committee committed perversity in discarding his validity certificate.

7. The learned counsel for the petitioners has placed on record a copy of order dated 31 August, 2023 passed by this Court in the matter of Shubham Digambar Mekhale Vs. The State of Maharashtra and others in Writ Petition No. 10855 of 2023. Shubham is the real brother of the petitioners. We have

directed the scrutiny committee to issue validity certificate to Shubham after considering the self same record on certain conditions. We do not find any other circumstance to take contrary view and deviate from the course which was followed in the case of Shubham.

8. The learned A. G. P. has pointed out that the record of 1356 Fasli (1947 A.D.) of Laxman Gangaram Mekhale cannot be relied upon because that was a record of Udgir Court which is found to be forged after conducting due enquiry. We accept the submission of the learned A. G. P. and we propose to ignore the old record. The said factual situation is not pointed out when order in the matter of Shubham was passed. However, even if the old record of Laxman is ignored that does not change the complexion of the matter.

9. The scrutiny committee has proposed reverification of the validity certificate of the father of the petitioners. The petitioners cannot be deprived of the benefits of the same social status unless the validity certificate of the father is revoked.

10. We find that impugned judgment and order is unsustainable. We propose to pass following order.

O R D E R

A. The writ petitions are partly allowed.

- B. The impugned judgment and order dated 14.08.2019 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 petitioners as belonging to 'Koli Mahadev' (Scheduled Tribe) forth with.
- D. The validity certificates shall be subject to the outcome of the reverification undertaken by the Scrutiny Committee of the validity certificates relied by the petitioners.
- E. The petitioners shall not claim any equities.
- F. The writ petitions are disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]