

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

WRIT PETITION NO. 11754 OF 2023

ATHRAV DNYANOBA KAJJEWAD UNDER GUARDIAN OF FATHER
DNYANOBA NIVRUTTIRAO KAJJEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Jadhavar Pratap V.

AGP for Respondents : Mr. A.A. Jagatkar

...

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

DATE : 20 SEPTEMBER 2023

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

1. Heard learned counsel for both the sides finally. The matter is not on board but it is mentioned by learned counsel for the petitioner disclosing urgency as the petitioner aspires to take admission for under graduation. Hence, taken up on production board for final adjudication.

2. The petitioner is challenging the judgment and order dated 31.08.2023, passed by the Scrutiny Committee invalidating the tribe certificate of the petitioner as belonging to 'Koli Mahadev'. He would rely upon validity certificate of father and cousin brother. One of the documents which is already scrutinized is of 1954 indicating caste as 'Koli Mahadev' which is pressed into service.

3. Learned AGP supports the impugned judgment and order. It is submitted that the Scrutiny Committee has rightly considered the

contrary entries of Saraswati, Digambar and Ramchandra by which the caste claim of the petitioner is rejected. The tampering of the school record is also noticed in the matter of Saraswati. He would submit that the validity certificates which are sought to be relied upon by the petitioner are based upon the extraneous material by suppressing the material facts. The Scrutiny Committee has decided to conduct re-verification.

4. Learned counsel for the petitioner has shown us genealogy from page no. 22 to point out the relationship of the petitioner with the validity holders. The relationship is not controverted. Before issuing validity certificate to Anil Yadav Kajjewad, the vigilance enquiry was conducted. A report thereof is placed on record at page no. 60. The documentary evidence was scrutinized and verified. The school entry of Yadav Nivrutti Kajjewad which is favourable to the petitioner is of 1954. There is no dispute that by the speaking order Anil was issued with validity certificate. The validity certificate should enure to the benefit of the petitioner.

5. The Scrutiny Committee has raised doubt to validity certificate of Anil on the ground that previously erstwhile Vigilance Officer reported that the caste in the school record of Yadav was shown to be 'Mang'. The entry of 'Koli Mahadev' is found to be bogus. The Scrutiny Committee has not proposed to recall validity certificate of

Anil. Till, the validity certificate is recalled, the petitioner is entitled to the validity certificate.

6. The Scrutiny Committee has committed patent illegality in rejecting the caste claim because self same record was considered by the earlier Committees. We find that the impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificate of validity to the petitioner of 'Koli Mahadev' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.
- iii. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]