

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

WRIT PETITION NO. 11727 OF 2023

**NITESH CHANDRASING GHOTI
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE THROUGH ITS
MEMBER SECRETARY**

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Advocate for Petitioners : Mr. Deshmukh Mahesh S.

AGP for Respondent/State : Mr. S. G. Sangale

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

DATE : 21 SEPTEMBER 2023

FINAL ORDER (Shailesh P. Brahme) :

Heard both the sides finally at the admission stage.

1. The petitioner is assailing the judgment and order dated 18.09.2023 passed by the Scrutiny Committee invalidating his tribe certificate of Naikada scheduled tribe and confiscating the same. He is relying upon the validity certificate of his cousin Tejas which is issued in pursuance of the order passed by the High Court. The learned Counsel for the petitioner would submit that the selfsame record was verified in the matter of Tejas. The Scrutiny Committee cannot take contrary view by discarding the validity certificates.

2. The learned AGP is justified in rejecting the caste claim as the

manipulation of the school record was noticed in respect of Vijay Singh and Ganesh. The revenue record of other relatives of the petitioner was found to be incompatible with the caste claim. He would further submit that the validity certificate of uncle Ramesh, is rightly discarded by the Committee. He would urge to dismiss the petition.

3. The learned Counsel for the petitioner submits that the selfsame record was considered in the matter of his cousin Tejas. The documents which was part of the vigilance enquiry in the matter of Tejas are re-considered in the vigilance enquiry of the petitioner which is evident from vigilance report. The same record was considered by the High Court in Writ Petition No. 12673/2022 in the matter of Tejas Ramesh Ghoti Vs. State of Maharashtra. By order dated 26.06.2023, the writ petition was allowed partly and the directions were given to issue validity certificate to the then petitioner subject to certain conditions.

4. The text of the order dated 26.06.2023 passed in above referred matter, is placed on record at Annexure – B. We also propose to adopt the same course. The Scrutiny Committee committed error of jurisdiction in arriving at contrary conclusion to invalidate caste claim of the petitioner.

5. The observations of the Committee in respect of validity certificate of Ramesh Ramchandra Ghoti is perverse. Unless the validity of Ramesh is revoked, the petitioner cannot be denied the caste benefit.

It is informed that the Committee is intending to reopen the validity certificates of Ramesh and others. We are of the considered view that the petitioner is entitled to conditional validity. We find that the impugned judgment and order is unsustainable. Hence the following order is passed.

ORDER

- (i) The writ petition is partly allowed. The impugned order dated 18.09.2023 is quashed and set aside.
- (ii) The Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to “Naikada” scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the Committee has decided to reopen.
- (iii) The learned AGP to communicate this order to the Committee immediately.
- (iv) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]