

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

WRIT PETITION NO. 11758 OF 2021

SUBHAM S/O. BALAJI PETKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 13951 OF 2019

RENUKA MADHAV PETKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 13991 OF 2019

RUSHIKESH MADHAV PETKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
WRIT PETITION NO. 13992 OF 2019

SHRADDHA BALAJI PETKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner in WP/11758/21 & WP/13992/19 :
Mr. Sagar S. Phatale
Advocate for Petitioner in WP/13951/19 & WP/13991/19 :
Mr. S.M. Vibhute
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
....

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

DATED : 04 AUGUST, 2023

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

1. Heard learned counsel for the parties finally at the admission stage considering urgency in the matter.
2. The petitioners are related *inter se* and belonging to 'Koli Mahadev' scheduled tribe. There is common record to consider their entitlement for caste claim. Petitioner – Shubham is challenging judgment and order dated 05.10.2021, invalidating his caste claim. Remaining petitioners are challenging judgment and order dated 14.08.2019, invalidating their caste claims.
3. The petitioners rely upon validity certificates issued to Balaji Venkatrao Petkar and Madhav Venkatrao Petkar. They are further relying upon genealogy, affidavits and the school record.
4. Learned AGP supports impugned judgment and order. According to him, there are contrary entries of the blood relatives to infer caste as 'Koli'. There was manipulation of the school record. The Committee is justified in holding that the validity certificates are not reliable. He further prays that petitions are liable to be dismissed.
5. It reveals that validity holders namely Balaji and Madhav are close relatives. The order of validity in case of Balaji refers to documentary evidence which is clinching in nature. An old entry of

1948 was also referred. We are of the considered view that the validity certificate is reliable. On the ground of parity, the petitioners are entitled to conditional validity.

6. It is informed by learned AGP that the Committee has decided to conduct re-verification. The submissions of learned AGP regarding contrary entries and the manipulation can be gone into by the Committee during re-verification. Till the validity certificates are intact, we are bound to follow the same.

7. The impugned judgment and orders are perverse and unsustainable and the same are quashed and set aside. The Scrutiny Committee shall issue validity certificates to the petitioners for 'Koli Mahadev' scheduled tribe and the validity certificates shall be subject to the result of re-verification proposed by the Scrutiny Committee. The petitioners shall not claim any equities.

8. The Writ Petitions are disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)