

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

WRIT PETITION NO.11373 OF 2022

Krishna s/o Sanjeev Royalawar ... **PETITIONER**

VERSUS

1. The State of Maharashtra,
through: Its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scrutiny Committee for Scheduled Tribes,
through Vice-Chairman, Aurangabad.
3. The Commissioner & Competent Authority,
State of Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
A.K. Naik Marg, Fort,
Mumbai-32

... **RESPONDENTS**

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Advocate for Petitioner : Mr. A.B. Kharosekar and Mr. O.B. Boinwad

A.G.P. for respondents : Mr. S.G. Sangale

Advocate for respondent No.3 : Mr. S.G. Karlekar

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

DATE : 09.08.2023

ORDER (MANGESH S. PATIL, J.) :

The petitioner is challenging invalidation.

2. Considering the fact that the petitioner is seeking to take admission in NEET-UG-2023 in the current process, the matter is taken up for final disposal at the admission stage.

3. The petitioner claims to be belonging to 'Koli Mahadev' scheduled tribe. He has been relying upon the validity certificates issued to his blood relations from the paternal side. Namely his cousin paternal uncle

Balaji Gangaram Royalawar who was granted validity in the year 2006, another cousin paternal uncle Shrinivas Gangaram Royalawar was granted validity in the year 2009, validities granted to his third degree cousins Chaitanya Venkat Royalawar and Tushar Venkat Royalawar and another second degree cousin Anjali Balaji Royalawar. Pravin Baliram Royalawar who is first degree cousin has also been issued with the validity certificate in the year 2011.

4. The Committee has refused to grant benefit of such number of validities on the ground that the validity holders could obtain the validity certificates from the respective scrutiny committees by resorting to concealment of vital school record and revenue record, wherein, there were adverse entries. The Committee has also refused to recognize the validities granted to Anjali and Pravin on the ground that it was issued by the Committee headed by one Mr. V.S. Patil whose conduct was found by the State Government to be dubious. However, it admits that Chaitanya and Tushar have been granted validities by the order of Court.

5. As far as the observations of the alleged concealment and fraud are concerned, the Committee has expressed its intention to undertake a reverification/review. We do not intend to comment on the powers of the Committee to undertake such review or reopen the inquiries. Even if it has such a power, we do not intend to make any observations touching the circumstances which according to the Committee constitute fraud for two reasons. Since it is an issue which is directly and substantially under

consideration of the Scrutiny Committee we cannot make any observation which could have some bearing on that inquiry. Secondly, the validity holders are not before us, therefore, we also do not intend to cause any prejudice to them by making certain observations by touching the alleged fraud. We leave it at that.

6. The fact remains that there is no dispute about the genealogy. The petitioner's blood relations from the paternal side have been granted validity certificates. There is no dispute about the fact that the procedure prescribed by law was followed while granting the validity certificates. In fact, Aniket Govindrao Roylawar and Vaishnavi Sanjiv Roylawar have also been granted validity certificates by this Court by the order dated 12.12.2022 in Writ Petition No.14349/2021. Admittedly, Vaishnavi is petitioner's real sister.

7. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent-committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' 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 re-open.

8. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)