

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

WRIT PETITION NO.6091 OF 2019

Vishvajit Tukaram Akele

... **PETITIONER**

VERSUS

1. Director of Technical Education & Research, Mumbai-400 001
 2. State Common Entrance Test Cell, Maharashtra, Mumbai 8th floor, New Excelsior, A.K. Nayak Marg, Fort, Mumbai through its Commissioner and Competent Authority
 3. Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Region, Aurangabad, Plot No. 10, E-9, Opposite CIDCO Bus stand, Town Center, Aurangabad Dist. Aurangabad. through its Member Secretary.
 4. M.S. Bidve Engineering College, Latur, Tq. & Dist. Latur. through its Principal
- ... **RESPONDENTS**

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Advocate for Petitioner : Mr. Sunil M. Vibhute
Addl.G.P for respondent Nos.1 and 3 : Mr. S.G. Sangale
Advocate for respondent No.2 : Mr. S.G. Karlekar
Respondent No.4 is served

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

DATE : 15.09.2023

ORDER (MANGESH S. PATIL, J.) :

Heard both the sides finally in view of the urgency being expressed.

2. The petitioner is challenging the order of the scrutiny committee confiscated and cancelled his certificate of 'Koli Mahadev'

scheduled tribe. Having heard both the sides it transpires that the petitioner's father Tukaram and his paternal uncle Sopan are the validity holders. Apart there from, his cousin paternal grandfather Gangaram, second degree cousin Vyankat Narsing and Vyankat's son Bhagwan possesses certificates of validity. As can be noticed Tukaram was granted certificate of validity way back in the year 2006 by undertaking a vigilance inquiry. Though the Committee now intends to undertake a fresh scrutiny of the validities granted in the family on the ground that those were obtained by practising fraud, it is a matter which will have to be considered and decided in a full fledged inquiry. Since the validity holders are not before us, we refrain from undertaking any objective entry of the circumstances regarding which the Committee attributes fraud on the part of the validity holders.

3. So long as the certificate of validity issued in the family are not confiscated and cancelled by taking recourse to law, in our considered view when Tukaram was granted certificate of validity by due process of law, even the petitioner is entitled to derive the benefit. Needless to state that he would run the risk of facing the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;** **WP No.6320/2017.**

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

scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)