

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

934 WRIT PETITION NO. 12706 OF 2023

SAGAR SUBHASH GAVALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents : Mr. A.A. Jagatkar
...

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

DATE : 11 OCTOBER 2023

PER COURT :

The petitioner is aggrieved by the decision of the Scrutiny Committee, confiscating and cancelling his 'Koli Malhar' scheduled tribe certificate.

2. Learned Advocate for the petitioner submits that, irrespective of the reasoning assigned by the Committee in impugned order, since it is a matter of social status, the petitioner could trace a school record of his grandfather which is of 12 March 1951, wherein, in the school record his caste was recorded as 'Koli Malhar'. He submits that the petitioner could not produce it either during vigilance inquiry or even before the Committee and the petitioner be granted an opportunity to go before the Committee which can take a fresh decision and, if necessary, by resorting to vigilance enquiry to verify the genuineness of the school record of petitioner's grandfather of 'Koli Malhar'.

3. Learned AGP opposes the request.

4. It does appear that the petitioner has not been enable to produce the document in the form of copy of the school register

which is now produced at exhibit 'F' which, *prima facie*, shows that petitioner's grandfather was admitted in that school on 12 March 1951. Since the Committee in the impugned order has not pointed out any contrary entry of the period prior to 12 March 1951, this school record would be certainly relevant and would carry greater probative value, if it is found to be genuine.

5. Considering the aforementioned aspect, it is imperative that the matter is relegated back to the Scrutiny Committee to undertake a fresh scrutiny and pass a fresh order permitting the petitioner to produce the documents to substantiate his claim.

6. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent no. 2 - Scrutiny Committee shall decide the petitioner's proposal afresh by permitting him to produce the copy of the school record of his grandfather (exhibit 'F') and any other document which he may produce and shall take fresh decision, if necessary, by resorting to further vigilance enquiry.

7. The petitioner shall appear before the Committee on 23 October 2023, and the Committee shall thereafter, decide his proposal as expeditiously as possible and in any case within a period of six months, thereafter.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]