

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

WRIT PETITION NO. 13144 OF 2023

1. Tanishq S/o Nitin Gore
Age : 18 years, Occu. : Student,
R/o Bhoipura, Hingoli,
Tq. & Dist. Hingoli.

The petitioner Nos. 2 to 4
are deleted as per Court's order
dated 20.10.2023.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Verification Committee,
Kinwat Headquarter at Aurangabad
through its Member Secretary.

.. Respondents

The respondent Nos. 3 and 4 are
deleted as per Court's order
dated 20.10.2023.

Shri S. M. Kulkarni, Advocate h/f Shri O. B. Boinwad, Advocate
for the Petitioners.

Shri S. G. Sangale, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 20 OCTOBER 2023.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard learned counsel for respective parties for final

disposal at the admission stage.

2. The petitioner is challenging common judgment and order dated 14.09.2023 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe certificate and confiscating it. Originally the petition is filed by four petitioners, who suffered the impugned order of invalidation. However, with the leave of this Court, the petitioner Nos. 2 to 4 have been deleted. The petition survives to the extent of petitioner No. 1.

3. The petitioner seeks to rely upon the validity certificates issued to the paternal side relatives of the petitioner. The learned counsel for the petitioner would refer to genealogy which is at page No. 28. There are number of validity certificates issued in the family to Rupendra, Prasanna, Priyanka, Pranay, Aarti, Jagruti and Sanjay. The learned counsel would submit that as the self same record is already considered by the Scrutiny Committee including the contrary record, it is impermissible for the successive scrutiny committee to take contrary view.

4. The learned Assistant Government Pleader would support the impugned judgment and order. According to him the scrutiny committee found number of contrary entries which are of Hiraswami Venkanna Gore, Sadhana Venkatesh Gore, Jyoti Manohar Gore, Sanjay Manohar Gore and _____ Manohar Gore and, therefore, the claim is rightly rejected. The committee has rightly held that the validity certificates are not reliable. The

learned A. G. P. submits that there is no perversity or illegality in the impugned judgment and order.

5. The learned A. G. P. has produced on record the original file of validity holder Rupendra. It is informed that the scrutiny committee has proposed to conduct reverification into the validity certificates issued in the family of the petitioner.

6. We have considered the rival submissions of the parties.

7. We have gone through the genealogy which is at page No. 28. The validity holders which are referred in the matter are paternal side close relatives. The learned A. G. P. has not disputed the relationship. There was vigilance enquiry conducted in the matter of Rupendra. A report to that effect is produced on record. The contrary entry in the school record of Hiraswami Venkanna Gore was already considered by the committee while granting validity certificate to the Rupendra. That appears to be oldest contrary entry.

8. With the assistance of the learned A. G. P., we have gone through the original papers of Rupendra. He was issued with the validity certificate by speaking order. We are of the considered view that the validity certificate of Rupendra is issued after following due procedure of law. It should enure to the benefit of the petitioner.

9. The committee has recorded a finding that the validity

certificate of Rupendra is not reliable because no reasons are assigned by the Committee while issuing validity certificate. We have gone through the text of the order. The finding of the committee is perverse. The reasons assigned are adequately recorded by the committee while issuing validity to Rupendra.

10. Unless the validity certificates issued in the family of the petitioner are revoked, the petitioner cannot be deprived of same social status. The committee has proposed the reverification of the validity certificates. The petitioner is entitled to validity certificate on certain conditions. We find that the impugned judgment and order is unsustainable. We therefore pass following order.

O R D E R

- A. The writ petition is partly allowed.
- B. The impugned judgment and order dated 14.09.2023 passed by the respondent No. 2/Committee to the extent of the petitioner is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue caste validity certificate to the petitioner as belonging to 'Koli Mahadev' (Scheduled Tribe) immediately in prescribed format without incorporating any condition.
- D. The validity certificate shall be subject to the outcome of

the reverification of the validity certificates undertaken by the committee.

E. The petitioner shall not claim any equity.

F. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 23