

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

WRIT PETITION NO. 14613 OF 2021

MAHESH MADHAV YELLEBOINWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...

Advocate for Petitioner : Mr. S.M.Vibhute
AGP for Respondent/State : Mr. S.G.Sangale

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

DATE : 29 SEPTEMBER 2023

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

1. Heard both the sides finally with their consent.
2. The petitioners are challenging common judgment and order dated 15.12.2021 passed by the Scrutiny Committee invalidating the tribe certificate and confiscating the same.
3. The petitioners are relying upon the validity certificate issued to Maruti Yashwanta Yelleboinwad, their real uncle. They are relying upon the school record of Yashwanta Satwa of 1962, Mahadu Yashwant Satwa of 1981 and other documentary evidence. The learned counsel for the petitioners would submit that validity certificate is reliable and the committee has erred in discarding the validity certificate. He would submit that a show cause notice is issued to Maruti. Unless his

validity certificate is revoked, the petitioner cannot be deprived of the validity certificate.

4. *Per Contra*, learned AGP has placed on record original papers of the petitioners to show contrary entries from coloured photographs. He would submit that the revenue record of Fasli indicates caste of Yashwanta Satwa as '*Koli*'. It is of 1352 Fasli (1942AD). He vehemently submits that the consistent record shows caste as '*Koli*'. He has raised serious objection to Urdu document of 1947 showing caste of Yashwant Satwa as '*Koli Mahadev*' being forged.

5. The learned AGP submits that the validity certificate of Maruti has been secured by suppressing manipulation of the school record as well as contrary entries. His validity certificate is based upon the validity certificate of Madhav, who is not related to the petitioners. He has informed that necessary action is initiated to recall validity certificate of Maruti.

6. We have considered the submissions of both the learned counsels. We find that there are contrary entries of the school record of Maneji, Vyankat and Laxmi. With the assistance of learned AGP, we have seen the coloured photocopies of the contrary record. We have also noticed the manipulation of the school record of Yashwant, Mahadu, Masnaji and Maruti. On the basis of said record, Maruti was also issued with validity certificate. Normally, we would have directed to issue

validity certificate subject to the result of re-verification of the validity certificate of Maruti as proposed by the committee. But we have noticed following facts which reflects on the conduct of the petitioner.

7. The petitioner has placed reliance upon a urdu document of the sale deed of 1337 Fasli executed between Ramrao Wadje and Yashwant Satwa. The translated script is produced on record which shows year 1947 Fasli, which is misleading. As per the pleading of the petitioner, this document is of 1337 Fasli which comes to 1927AD. The school record which is verified shows date of birth of Yashwant Satwa as 06.11.1952. It is an impossibility for a person born in the year 1952 to execute sale deed in 1927. The urdu document is forged and conduct of the petitioner in producing the said document is not befitting his claim.

8. The oldest document having greater probative value is on record. It is a revenue entry of Yashwant Satwad of 1352 Fasli (1942 AD), indicting caste as '*koli*'. This entry being oldest should prevail over all other documents. There is no explanation by the petitioner for this entry. The claim of the petitioner has shrowded with doubt. The committee has properly appreciated the material on record and has arrived at plausible conclusion. We are unable to accept the submission of learned counsel for the petitioners. The petitioner has produced a forged document on record. This attempt is dishonest one to grab the

constitutional benefits. We are not inclined to exercise the discretionary jurisdiction.

9. We therefore dismiss the petition.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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