

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

98 WRIT PETITION NO.12673 OF 2022
WITH CA/17403/2022 IN WP/12673/2022

TEJAS RAMESH GHOTI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY
AND OTHERS

...
Advocate for Petitioner : Mr. V. D. Hon i/b Mr. Hon Ashwin V.
AGP for Respondents No.1 to 3 : Mr. S. G. Sangale
Advocate for Respondent No.4 : S. Y. Mahajan
...

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

DATE : 26.06.2023.

PER COURT :

The petitioner is aggrieved by the rejection of his Scheduled Tribe Certificate as belonging to "Naikada".

2. We have heard the learned Senior Advocate Mr. V. D. Hon for the petitioner and the learned AGP. Indeed it is a very abnoxious matter in as much as, it is being alleged that the entire original school record was destroyed, manipulated and persons have obtained validity certificates based on such record. However, conspicuously these are the allegations which still are under scrutiny in the form of the decision

by the respondent Scrutiny Committee to reopen the cases including that of the petitioner's father and his two real paternal uncles, who have been issued validity certificates as belonging to 'Naikada' Scheduled Tribe.

3. Following the consistent view being taken by this Court based on the decision in the matter of Apoorva Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010 (6) Mh.L.J. 401, so long as the validity certificates granted to the petitioner's father and his two paternal uncles are not revoked and cancelled, it would not be appropriate to refuse the petitioner the benefit of social status. Needless to state that it would always be open for the Scrutiny Committee, if at all, it is legally entitled to, to enquire into and take a further decision in respect of these validity holders. As has been submitted by the learned AGP, already notices have been issued to the petitioner's father and his two paternal uncles on 09/12/2022.

4. Obviously, this exercise would take some time. The petitioner, who is now seeking to pursue a professional course in engineering, cannot be made to suffer.

5. The writ petition is allowed partly. The impugned order of the Scrutiny Committee is quashed and set aside. The petitioner is declared as belonging to the Scheduled Tribe 'Naikada'. The Scrutiny Committee shall issue a validity certificate in his favour as expeditiously as possible, and in any case on or before 30/06/2023. However, such validity certificate shall be subject to the decision to be taken in the matter which the Scrutiny Committee has reopened in respect of the petitioner's father and his two paternal uncles.

6. The petitioner and his father as well as paternal uncles shall co-operate with the Scrutiny Committee in expeditious decision of the reopened matters. The committee shall decide these matters as expeditiously as possible. The petitioner shall not be entitled to any equities.

7. The parties to act upon an authenticated copy of this order.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

vjg/-