

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

WRIT PETITION NO. 6719 OF 2023

**MAHADEV DAGDU NIRDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondents : Mr. S.G. Sangale
...

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

DATE : 04 SEPTEMBER 2023

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

1. Heard both sides finally.
2. The petitioner is assailing the judgment and order dated 28.03.2022, passed by the Scrutiny Committee, invalidating his tribe claim of 'Koli Mahadev' scheduled tribe and confiscating the tribe certificate. The petitioner is relying upon the validity certificate issued to Dashrath and Vishwambhar. Learned counsel for the petitioner has placed on record a genealogy which is inadvertently not filed along with the petition.
3. Learned AGP supports impugned judgment and order. According to him, there was contrary evidence as well as manipulation in the school record of the relatives of the petitioner. Learned AGP

would submit that the validity certificates of Vishwambhar and Dashrath were obtained by suppressing contrary entries. Those were not reliable.

4. Learned AGP has placed on record the original papers. It is also informed that the Scrutiny Committee has proposed re-verification.

5. There is no dispute that a vigilance enquiry was conducted in the matter of the validity holder. By reasoned order, the validity certificates were issued. Unless the validity certificates of Dashrath and Vishwambhar are revoked, the petitioner cannot be denied the validity certificate.

6. Learned AGP has invited our attention to the colour photocopies of the school record of Narayan, Bhagwan, Dagadu, Tukaram and Dashrath to point out contrary entries as well as manipulation. He has also shown the revenue entry of Shamrao showing Kachari as a caste. The same record was under consideration earlier and the validity certificates were issued to the paternal side relatives. The Scrutiny Committee has no jurisdiction to take any contrary view for rejecting the caste claim of the petitioner. It is open for the Committee to re-examine the record if a case of fault is made out during re-verification.

7. We are of the considered view that the petitioner has made out the case for issuing validity certificate conditionally. The impugned

judgment and order is unsustainable. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 28.03.2022, passed by the Scrutiny Committee, is quashed and set aside.
- iii. 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 matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]