



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

Writ Petition No. 124 OF 2020

1. Shrikant s/o Ganesh Thakur
Age : 22 years, Occ. Nil,
2. Sharayu d/o Ganesh Thakur,
Age : 18 years, Occ. Education,
Both R/o : Plot No.14, Vivekanand Niwas,
Devigiri Colony, June Dhanora Road,
Near Saraswati Vidya Mandir, Beed,
Tq. & District Beed.

...Petitioners

Versus

1. The State of Maharashtra,
Trough its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Director of Technical Education,
Maharashtra State,
3, Mahapalika Marg,
Mumbai – 400 001.
3. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad, through its
Member Secretary.
4. Vishwakarma Institute of Engineering,
Pune, through its : Principal,
666, Upper Indiranagar,
Bibewewadi, Pune – 411 037.

...Respondents

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Mr. Mahesh S. Deshmukh Advocate for the Petitioners.

Mr. P.S. Patil, Addl.GP for Respondent Nos. 1 to 3/State.

Mr. G.K. Naik (Thigale), Advocate for Respondent No.4.

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

DATE : 07 OCTOBER 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides finally. As the petitioners have secured admission in the College, the matter is taken up for final hearing.

2. The petitioners are siblings who are aggrieved by judgment and order of invalidation of their tribe certificates passed by the respondent/Scrutiny Committee on 18.06.2019. They are relying on validity certificates of their uncles – Narendra and Gopal.

3. Learned Counsel for the petitioners submits that school record of their grandfather Shivajirao Thakur of 1957 was already verified in case of their uncle – Narendra. After following due procedure of law, Narendra was issued with validity certificate which was subsequently relied on in the matter of another uncle – Gopal and it would enure to the benefit of the petitioners. Learned Counsel submits that the findings of the Committee doubting school record of Shivajirao is perverse. The Committee has drawn wrong inference from the school record of Shivajirao and Sarjerao. It is further submitted that father's tribe

claim was rejected in the year 1986 during minority and therefore it was not known to him.

4. Learned AGP supports the impugned judgment and order. He tenders on record original papers of the petitioners. It is submitted that the Committee has rightly discarded school record of Shivajirao and Sarjerao. Our attention is adverted to statement dated 12.11.1986 which was signed by petitioner's father Ganesh and his grandfather which indicates that invalidation of father was known and deliberately suppressed. It is further contended that school record of Sarjerao of 1968 is the oldest one which shows tampering. In the matter of petitioner's father, the vigilance Officer deliberately had misled the Committee by his report in respect of school entry of Sarjerao. Both the validities are rightly discarded by the Committee.

5. We have considered submissions of both the sides and have also gone through the relevant papers. Petitioners' father suffered order of invalidation on 19.11.1986. That time he was minor. Though there appears to be signature of father on the statement dated 12.11.1986 that itself would not further the respondents' case. Otherwise also, we have been consistently holding that order of invalidation is not per se adverse. It is evident from record that their father did not take benefit of reservation while securing service.

6. Narendra was the first validity holder. It reveals that the

vigilance inquiry was conducted in his case. The school record of petitioners' father Shivajirao of 1957 was verified and found to be supportive. Thereafter he was issued with validity certificate by the speaking order of the Committee. It appears to have been issued after following due procedure of law. Thereafter Gopal was also issued with validity certificate. Petitioners are rightly deriving their benefits.

7. We have gone through the coloured photocopy of school entry of Shivajirao Thakur. Though the Committee has suspected the entry to be tampered with, apparently we do not find any change of ink or original entry having been erased. We have also gone through photocopy of the admission form of petitioner's father which does not bear any column of caste. However school entry of being castigated as incompatible as caste 'Maratha' was mentioned. Nothing cannot be attributed to the petitioners' father or grandfather. Hence the finding recorded by the Committee in this regard is perverse.

8. The show cause notices have been issued to earlier validity holders. The incompatible school record can be dealt with during reverification. Unless earlier validities are revoked, petitioners cannot be deprived of same social status. They are ready to run the risk in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. It is desirable to issue them validity certificates conditionally. We,

therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 18.06.2019 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificates of 'Thakur' scheduled tribe to the petitioners forthwith. The same shall be subject to the final outcome of re-verification proposed by the Scrutiny Committee.
- d. The petitioners shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE