



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO. 5897 OF 2024

RAVINDRA DILIP KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Choudhari Deepak D.

AGP for Respondent Nos. 1 & 2 : Mrs. P.J. Bharad

...

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

DATE : 06 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

This petition is being decided finally at the admission stage, considering urgency in the matter.

2. The petitioner is challenging the judgment and order date 15 January 2024 passed by Scrutiny Committee confiscating and invalidating his tribe certificate of 'Koli Mahadev'. He would rely upon validity upon validity certificates issued to his first degree cousin Nikhil and cousin aunts Sangita and Sunita.

3. Learned counsel for the petitioner submits that Sunita is the first validity holder who was issued with validity certificate

after following due procedure of law. Sangita and Nikhil were also issued with validity certificates after following due procedure of law. These validity certificates would enure to the benefit of the petitioner.

4. Learned AGP tenders on record original papers of Sunita. She would support impugned judgment and order. It is submitted that there are contrary entries of close relatives of the petitioner namely, Dilip Baburao Kamble, Chandrakant Baburao Kamble, Babanrao Bhagaji Kamble and Bhagaji Babaji Kamble. According to her, the Scrutiny Committee is justified in rejecting caste claim as the validity certificates were obtained by suppressing material facts. She would also pray to remand his matter to the Scrutiny Committee.

5. We have considered rival submissions of the parties. We have perused the genealogy produced by the petitioner on record. It reveals that cousin aunt of the petitioner Sunita is the first validity holder. In her case, vigilance enquiry was conducted and even contrary record of Babanrao Bhagaji Kamble was also taken into account. It is mentioned in the report that Sunita withstood the affinity test. Thereafter by speaking order the

Scrutiny Committee issued her validity certificate. Such validity certificate, according to us, was issued in accordance with law. Similarly, another cousin aunt Sangita was issued with validity certificate by speaking order. First degree cousin of the petitioner Nikhil was issued validity certificate by speaking order considering the vigilance report.

6. We are of the considered view that when self same record has already been scrutinized, validity certificates which were issued in accordance with law would enure to the benefit of the petitioner.

7. While discarding validity certificate of Nikhil, it has been observed by the Scrutiny Committee that vigilance enquiry was not conducted in his matter. However, this finding is factually incorrect which amounts to perversity.

8. It is informed by learned AGP that Scrutiny Committee has issued show cause notices to the validity holders. The petitioner is ready to run risk as contemplated by *Shweta Balaji Isankar Versus State of Maharashtra*, passed by this High Court in Writ Petition No. 5611/2018. Unless and until the validity

certificates issued earlier are revoked, the petitioner cannot be deprived of the same social status. In that view of the matter, we do not approve the submission of learned AGP for remanding the matter for deciding afresh to the Scrutiny Committee.

9. The impugned judgment and order is liable to be quashed and set aside. We, therefore, pass following order :

ORDER

- i. The impugned judgment and order is quashed and set aside.
- ii. The respondent no. 2 – Scrutiny Committee shall issue tribe validity certificate to the petitioner which shall be subject to outcome of reverification proposed by the Scrutiny Community.
- iii. Petitioner shall not claim any equity.
- iv. Writ Petition is allowed partly.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]