



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

Writ Petition No. 4958 OF 2022

Shubham s/o Ankush Ladke,
Age 20 years, Occu. Student,
R/o N-12, ED, 14/2, Bharatmata Nagar,
Hudco, Aurangabad,
Tq. and Dist. Aurangabad.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Member Secretary.
3. Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Registrar.
4. Shreeyash College of Engineering &
Technology, Gat No.258 (P),
Satara Parisar, Beed By Pass Road,
Near SRPF Camp, Aurangabad,
Tq. and Dist. Aurangabad.
Through its Principal.

...Respondents

WITH

Writ Petition No. 4954 OF 2022

Varsha d/o Kailas Ladke,
Age 23 years, Occu. Student,
R/o : Datta Colony, College Road,
Tq. Kannad, Dist. Aurangabad.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Member Secretary.
3. Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Registrar.
4. Government College of Engineering
Station Road, Osmanpura,
Aurangabad, Tq. & Dist. Aurangabad.
Through its Principal.

...Respondents**WITH****Writ Petition No. 4955 OF 2022**

Kailas s/o Nago Ladke,
Age 48 years, Occu. Service,
R/o : Datta Colony, College Road,
Kannad, Tq. Kannad
Dist. Aurangabad.

...Petitioner**Versus**

1. The State of Maharashtra,
Through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad

Division, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Member Secretary.

3. The Chief Executive Officer,
Zilla Parishad, Aurangabad.
Tq. & Dist. Aurangabad.

...Respondents

WITH

Writ Petition No. 4956 OF 2022

Lokesh s/o Kailas Ladke,
Age 20 years, Occu. Student,
R/o : Datta Colony, College Road,
Kannad, Tq. Kannad
Dist. Aurangabad.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Member Secretary.

...Respondents

WITH

Writ Petition No. 4957 OF 2022

Ajay s/o Ankush Ladke,
Age 24 years, Occu. Student,
R/o N-12, ED, 14/2, Bharatmata Nagar,
Hudco, Aurangabad,
Tq. and Dist. Aurangabad.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,

Department of Tribal Development,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Member Secretary.
3. Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Tq. & Dist. Aurangabad,
Through its Registrar.
4. Jawaharlal Nehru Engineering College,
Aurangabad, Tq. & Dist. Aurangabad.
Through its Principal.

...Respondents

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Mr. Sushant C. Yeramwar, Advocate for the Petitioners.

Mr. K.S. Patil, AGP for Respondents/State in all petitions.

Mr. Sumit S. Agrawal, Advocate for the Respondent No.3.

Mr. V.S. Kadam, Advocate for Respondent No.4 in WP-4957/2022.

Mr. D.K. Rajput, Advocate for Respondent No.2 in WP-4955/2022.

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

DATE : 23 JULY 2024

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

. Heard both the sides finally considering exigency expressed
by the petitioners.

2. These petitions are emanating from common judgment and order dated 22.03.2022 passed by the Scrutiny Committee, confiscating and invalidating tribe certificates of Koli Mahadev Scheduled Tribe of the petitioners. All of them are related *inter se* and rely upon common record.

3. Learned Counsel for the petitioners submits that they are relying on validity certificates issued to Ankush Nago Ladke who is father of petitioners Ajay and Shubham. Ankush was issued with validity certificate after following due procedure of law and the petitioners cannot be discriminated from same social status. Learned Counsel would further submit that old school record of Nago, Laxman, Ramesh, Aruna and Mangala supports their claim. The Scrutiny Committee arbitrarily rejected their claim. Learned Counsel tenders on record certain documents comprising of order passed in Writ Petition No.2354/2009 remanding claim of Ankush, subsequent vigilance report, genealogy, affidavit and order of Scrutiny Committee.

4. Learned AGP supports impugned judgment and order. He would submit that there is no perversity or patent illegality in the impugned judgment and order. The validity certificate is unreliable because the manipulation in the school record of Jagan was ignored and contrary entries of many relatives are suppressed. The original papers are also placed on record to support the submission.

5. We have considered the rival submissions of the parties. The relationship between the petitioners with validity holder – Ankush, has not been disputed. It reveals from record that the caste claim of Ankush was invalidated by the Scrutiny Committee. He had filed Writ Petition No.2354/2009, in which order of remand was passed. After remand, vigilance inquiry was conducted. Pertinently, affinity test was recorded in favour of Ankush. The old school entries of Laxman and Nago were verified. Tribe certificate of Ankush was validated by speaking order dated 18.07.2011 by the Scrutiny Committee.

6. Considering the documents tendered on record during the course of hearing, Ankush was issued with validity certificate after following due procedure of law. In view of law laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, 2023 SCC Online SC 326, validity certificate of Ankush is reliable one. The old school entries of Laxman and Nago would indicate caste as Koli Mahadev, which are already considered by the Scrutiny Committee. The Scrutiny Committee has no jurisdiction to arrive at different conclusion considering the selfsame record.

7. Learned AGP tries to demonstrate that there is a manipulation in the school record of Jagan and contrary entries of paternal side relatives. It would be up to the Scrutiny Committee to undertake re-verification to find out whether there

is fraud in issuing validity certificate of Ankush. Unless the validity certificate of Ankush is revoked, the petitioners cannot be deprived of the same social status.

8. We are of the considered view that the impugned judgment and order is unsustainable. In view of law laid down in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018, the petitioners are entitled to receive conditional validity certificates. We, therefore, pass following order :

ORDER

- a. The common judgment and order dated 22.03.2022 passed by the Scrutiny Committee is quashed and set aside.
- b. The Scrutiny Committee shall issue tribe validity certificates of 'Koli Mahadev' Scheduled Tribe to the petitioners forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- c. The petitioners shall not be entitled to claim equities.
- d. Writ Petitions are allowed partly in the above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE