



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

Writ Petition No. 5726 OF 2024

Umesh Narayan Parihar
Age 20 years, Occu. Student,
R/o. Konad Tq. Jafrabad,
Dist. Jalna.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai.
2. The District Caste Scrutiny Committee,
Jalna, Dist. Jalna.

...Respondents

— — —

Mr. Anandsingh S. Bayas, Advocate for the Petitioner.

Mr. D.R. Korde, AGP for Respondents/State.

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

DATE : 30 JULY 2024

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

. Heard both the sides finally at the admission stage
considering urgency in the matter.

2. The petitioner is challenging judgment and order dated
22.12.2023 passed by the Scrutiny Committee, confiscating and

invalidating his tribe certificate of Rajput Bhamta Vimukta Jati. He seeks to rely on validity certificates of Saurabh, Sonal and Kishor. Learned Counsel for the petitioner submits that validity certificates were issued after following due procedure of law and would enure to the benefit of the petitioner.

3. Learned AGP supports impugned judgment and order. He submits that the validity certificates were procured by suppressing material facts and those were rightly discarded by the Committee. He would further point out that there is difference in genealogies produced before the Committee. He tenders on record original file of the petitioner.

4. We have considered the rival submissions of the parties. The Committee did not entertain any doubt about the relationship of the petitioner with the validity holders. Saurabh and Sonal are the second degree cousins of the petitioner. They were issued with validity certificates by the Scrutiny Committee. It reveals that the genealogy stated on affidavit dated 17.07.2023 is incomplete. Shivram had two brothers Parsaram and Daulat. Kishor is in the line of Parsaram.

5. There was vigilance inquiry in the matter of Kishor. After considering the same, validity certificate was issued to him. We are of the considered view that the validity certificates of Saurabh, Sonal and Kishor corroborate the petitioner's claim and are reliable. It is perversity to discard the validity certificates.

6. The selfsame record has already been scrutinized by the Scrutiny Committee on earlier occasions. Unless the validity certificates issued in the family of the petitioner are revoked, petitioner cannot be deprived of the benefit of the same social status. The Committee has not proposed any re-verification. Learned AGP also maintains the same. In that view of the matter, we have no alternative then to allow this petition by quashing the impugned judgment and order. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed.
- b. The common judgment and order dated 22.12.2023 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificate of 'Rajput Bhamta Vimukta Jati' to the petitioner forthwith.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE