



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

WRIT PETITION NO. 6377 OF 2024

1. Shravani Satish Adatrao
2. Shritan Satish Adatrao .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri P. V. Jadhavar, Advocate for the Petitioners.

Shri K. S. Patil, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 04 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage considering urgency of the petitioners.

2. Being aggrieved by confiscation and invalidation of tribe certificates for 'Koli Mahadev' (Scheduled Tribe) vide judgment and order dated 30.05.2024 passed by the respondent No. 2/Scrutiny Committee, petitioners are approaching this Court. They rely on the validity certificate issued to their father Satish Adatro. Vigilance report prepared in the matter of their father is shown to us. It is submitted that after following due procedure of law father of the petitioners was issued with validity certificate, which is reliable one.

3. Learned Assistant Government Pleader opposes the claim of the petitioners. It is submitted that the petitioners' father was issued with the validity certificate without conducting proper enquiry. There are contrary entries in the school record of the paternal side relatives of the petitioners. According to him scrutiny committee has rightly discarded validity certificate of father. Learned A. G. P. has placed on record original papers in the matters of petitioners and their father.

4. There is no dispute that vigilance enquiry was conducted in the case of father of the petitioners. Thereafter, he was issued with validity certificate. There was a reference of validity certificate of Aparna Anil Adhatrao. In the impugned judgment there is reference of validity certificate of Aparna recorded in the matter of father of the petitioners. The genealogy which is sought to be relied by the petitioners does indicate Aparna being paternal side relative, who is lineal descendants of Sakharam. Whereas petitioners are lineal descendants of Keru.

5. The learned A. G. P. has vehemently submitted that the relationship between Aparna and the petitioners is doubted. It is a matter of record that the petitioners' father Satish and Aparna had filed writ petitions in the High Court challenging invalidation of their tribe certificates. By common judgment and order dated 01 December 2004, orders of invalidation were quashed and the matters were remanded for reconsideration to the scrutiny committee. This is an indication that Aparna is related to the petitioners and their father.

6. The Scrutiny Committee did not entertain any doubt about the relationship. We also notice that no endeavour has been made by the Scrutiny Committee to conduct vigilance enquiry of the validity certificate of Aparna. The committee in the present matter has offered no comments for validity certificate of Aparna.

7. Under above circumstances, we cannot deny benefit of validity certificates of either father or Aparana to the petitioners. We are informed that the Committee has intended to reopen matter of petitioners' father. We have made a specific query to the learned A. G. P. regarding the steps taken against Aparna. It is replied that the committee has not proposed any action against the validity certificate of Aparna. We are constrained to record that in absence of any reverification against Aparana, it is not permissible to object the claim of the petitioners. We are of the considered view that the petitioners are entitled to absolute validities.

8. We find that the impugned judgment and order is unsustainable and we pass following order.

O R D E R

(I) Impugned common judgment and order dated 30.05.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

(II) The respondent No. 2/Scrutiny Committee shall issue tribe

validity certificates of 'Koli Mahadev' (Scheduled Tribe) to the petitioners forthwith.

(III) Writ petition is allowed in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24