



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

WRIT PETITION NO. 7482 OF 2024

Premkumar Sanjay More

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri K. N. Lokhande, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 29 JULY 2024.

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

. Heard both the sides finally. In view of urgency expressed by the petitioner as the petitioner aspires to prosecute further education on the basis of tribe benefit, we have heard parties.

2. Petitioner is challenging judgment and order dated 12.07.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating his tribe certificate of 'Koli Mahadev' (Scheduled Tribe). Petitioner relies on validity certificates issued to his father, real brother and cousin uncle Kailas.

3. Per contra, learned Assistant Government Pleader would oppose the submissions of the petitioner. He would submit that school record of the paternal side relatives of the petitioner was

found to be manipulated. The revenue record was revealed to be incompatible to the claim of the petitioner. It is further submitted that validity certificates are not reliable.

4. We have considered submissions of the parties. Petitioner's father Sanjay and real brother Onkar are the validity holders. The genealogy on record depicts that first validity holder in the family is Kailas Bappasaheb More. Relying on his validity, petitioner's father was issued with the validity certificate. We find vigilance enquiry in the case of Kailas. There is no dispute that he was issued with the validity certificate by speaking order.

5. Petitioner's real brother Onkar was denied validity certificate by the Scrutiny Committee vide judgment and order dated 17.07.2019. Being aggrieved matter was carried to the High Court in Writ Petition No. 9076 of 2019. By order dated 08 September 2023 petition was allowed partly directing the scrutiny committee to issue validity certificate conditionally. We propose to follow same course. The validity certificates issued to Kailas, Sanjay and Onkar would enure to the benefit of the petitioner. The petitioner undertakes to abide by the conditions as laid down **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. The impugned judgment and order is arbitrary and unsustainable. We, therefore, pass following order :

O R D E R

- A) The impugned order dated 12.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- B) The respondent No. 2/Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe in the prescribed proforma without adding anything. The validity shall be subject to outcome of the matters which the committee has decided to re-open.
- C) The petitioner shall not be entitled to claim equities.
- D) The writ petition is disposed of in above terms.

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

bsb/July 24