

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8498 OF 2022

1. RUSHIKESH WAMAN DABETWAR

2. ANIKET WAMAN DABETWAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. S.M. Vibhute

AGP for Respondent Nos. 1 to 3 : Mr. R.S. Wani

Advocate for Respondent No. 4 : Mr. T.C. Sonawane

h/f. Mr. G.K. Naik Thigle

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

DATE : 03.10.2024

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

Heard both sides finally considering exigency in the matter.

2. The petitioners are siblings who are challenging common judgment and order 30.06.2022 passed by the Scrutiny Committee, invalidating their tribe certificates. They are relying on certificates of validity issued to their cousins Shweta and Shreya.

3. Learned counsel for the petitioners submits that validities were issued by following due procedure of law and they would enure to the benefits of the petitioners. It is submitted that the old school entry of grandfather of the petitioners of 10.06.1948, has been discarded by the Committee by recording perverse finding.

4. Learned AGP supports impugned judgment and order. He tenders on record the original papers of the petitioners. He would submit that the validities are rightly discarded by the Committee considering incompatible school record. On the basis of vigilance enquiry, the Committee entertained doubt for school entry of grandfather Vitthal Laxman Dabetwar. The Committee has issued show cause notices to the earlier validity holders.

5. We have considered rival submissions of the parties and also gone through relevant original papers. There is no dispute that earlier validity holders Shweta and Shreya are the cousins of the petitioners and they are shown in the genealogy. It has been clarified by learned counsel for the petitioners that the genealogy which was drawn during vigilance of earlier validity holder Shweta wrongly shown Vitthal as real brother of Aniket instead of Rushikesh. This has not been controverted by the respondent.

6. The vigilance report prepared in the matter of Shweta Umakant Dabetwar shows that the school record of the close blood relatives was verified during the vigilance. The school entry of grandfather Vitthal Laxman Dabetwar of 10.06.1948 was found to be oldest one. She could get through affinity test. By a reasoned order, she was issued with a validity certificate. Apparently, the validity was issued after following due procedure of law. Relying on her validity, Shreya was also issued with a validity certificate. Both the validities should not have been discarded by the Committee.

7. The Committee entertained doubt about school entry of grandfather of 1948 as it was transpired that the entry was of

‘Rajkond’ and not ‘Rajgond’. The photocopy of Urdu script and the translated copies are on record. It was reported that by manipulation in the recent time caste as ‘Rajkond’ was recorded. The Committee observed that the correction in the school record is illegal. It is not made clear as to what prompted the Committee to record that the entry was manipulated recently. There is no material on record to show that there was any such a correction made in the school record. Therefore, we are of the considered view that findings recorded in this regard are perverse and unsustainable.

8. Shweta and Shreya were issued with validity certificates on the basis of Vitthal’s record as Rajgond. Unless their validities are revoked, the petitioners cannot be deprived of same social status.

9. The incompatible school record can be dealt with during the reverification which is underway. The petitioners cannot be made to wait till final outcome of reverification. They are ready to face consequences as per *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018. It is desirable to issue them validity certificates. We, therefore, pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. The impugned judgment and order dated 130.06.2022 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

iii. The Committee shall issue validity certificates to the petitioners as belonging to 'Rajgond' scheduled tribe immediately which shall be co-terminus with the validities of Shweta and Shreya.

iv. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]