



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

WRIT PETITION NO. 7677 OF 2024

Kiran Dnyaneshwar Jadhav .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri S. R. Yadav Lonikar, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 14 OCTOBER 2024.

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

. Heard both the sides finally considering exigency for the petitioner.

2. The petitioner is challenging judgment and order dated 21.11.2023 passed by the respondent No. 2/Scrutiny Committee invalidating and confiscating his scheduled tribe certificate of 'Koli Malhar'. The petitioner is relying on the validity certificate of his cousin uncle Sukhdev Santosh Jadhav, Sakshi Sukhdev Jadhav and Dagaduba Saluba Jadhav.

3. The learned counsel for the petitioner submits that Sakshi was issued with the validity certificate in pursuance of orders passed by the High Court. It is further submitted that the Committee did not take into consideration the validity of

Sukhdev when cogent material was placed before it indicating Sukhdev as blood relative and the validity holder. It is submitted that the petitioner is entitled to conditional validity in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018.**

4. The submissions of the petitioner are opposed by the learned Assistant Government Pleader. The original papers of validity holder Sukhdev Santosh Jadhav are placed on record. It is submitted that the petitioner did not place on record validity of Sukhdev. During vigilance enquiry incompatible school record of Rajaram Tukaram was traced out. Similar tampering was noticed in the school record of Sitaram and Rajaram. Therefore, the committee is justified in rejecting the tribe claim of the petitioner.

5. We have considered rival submissions of the parties and we have gone through the original papers of earlier validity holder Sukhdev. Sukhdev's validity was not produced by the petitioner before the Committee, but his father's affidavit in Form F was before the Committee disclosing validity of Sukhdev and Dagduba by giving genealogy. It was brought to the notice of the Committee that Sukhdev is the blood relative. The Committee could have conducted vigilance enquiry to trace out if validity of Sukhdev could be relied upon by the petitioner. The Committee failed to exercise the jurisdiction conferred on it. We therefore do not approve the submission of the learned A. G. P. that Sukhdev's

validity was not relied by the petitioner, as a ground to overlook it.

6. It reveals that in case of Sukhdev there was vigilance enquiry. The school record was verified. By a reasoned order he was issued with a validity certificate. We find that after following due procedure of law he was issued with the validity certificate which should have been relied by the Committee.

7. The learned counsel for the petitioner has tendered on record our order dated 05.09.2024 passed in the matter of Sakshi Sukhdev Jadhav in Writ Petition No. 9754 of 2024 granting conditional validity to her. The self same record has already been verified in her matter. We adopt same reasoning and course in the present matter. It is desirable to issue validity certificate to the petitioner conditionally.

7. The incompatible and tampered school record can be dealt with during reverification. The Committee has issued show cause notices to earlier validity holders. The petitioner is ready to run the risk of facing consequences in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra). We are of the considered view that the impugned judgment and order is liable to be quashed and set aside.

O R D E R

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 21.11.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue validity certificate to the petitioner as belonging to 'Koli Malhar' scheduled tribe immediately in prescribed proforma.
- (iv) The validity certificate of the petitioner shall be subject to outcome of reverification undertake by the committee of the earlier validity holders.
- (v) The petitioner shall not be entitled to claim equities.

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

bsb/Oct. 24