



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7702 OF 2024

1. ABHIJEET S/O NAMDEO PITALE
2. SHRAVANI D/O DNYANESHWAR PITALE

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH SECRETARY
2. THE SCHEDULED TRIBE CERTIFICATE VERIFICATION COMMITTEE,
KINWAT H.Q. CHH. SAMBHAJINAGAR THR. DEPUTY DIRECTOR (R)

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Advocate for the Petitioners : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents: Mr. S.P. Joshi

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

DATE : **05.08.2024**

ORDER : (SHAILESH P. BRAHME, J.) :

Heard both the sides finally, considering the exigency expressed by the petitioners.

2. The petitioners are from the same family and their caste validity certificates are invalidated by judgment and order dated 01.07.2024. They rely upon the validity certificates of Pratibha, Savita, Varsha, Balaji and Manik. Learned counsel for the petitioners submits that after following the due process of law, validity certificate was issued to first validity holder Pratibha. He would further rely upon school record of Narayan Shankar Pitale of the year 1952.

3. Learned AGP supports impugned judgment and order. He would submit that there is contrary record and also manipulation was noticed in the school record of Narayan and Namdeo. He would point

out that petitioner No.1^s father Namdeo was issued with tribe certificate which was invalidated by the scrutiny committee vide order dated 31.01.2002. The invalidation was confirmed up to High Court. Suppressing the invalidation, the validity certificates were obtained and therefore they are not reliable.

4. We have considered the rival submissions of the parties. We have gone through the genealogy which indicates that validity holders Pratibha, Savita and Varsha are the real sisters of petitioner No.1 – Abhijeet. Petitioner No.2 – Shravani is the second degree niece of the petitioner No.1. It reveals from the record that there was vigilance inquiry conducted in the matter of Pratibha. The school record was considered by the vigilance cell including school record of Narayan Shankar Pitale indicating caste as ‘Koli Mahadev’, which is of 1952. Pratibha was issued with validity certificate. According to us it would enure to the benefit of petitioners.

5. It further reveals from the order of invalidation passed in the matter of Namdeo Shankar Pitale that the school record of Narayan was not produced. The specific observations have been made by the scrutiny committee that no record prior to 1971 was produced by the applicant-Namdeo. Therefore, it is evident that school record of the 1952 was not before the committee while invalidating tribe certificate of Namdeo.

6. Though there was invalidation of Namdeo Shankar Pitale which was confirmed by High Court, mere invalidation would not operate

as a *res judicata*. The scrutiny committee has observed that the school record of Narayan was not available and therefore Namdeo suffered invalidation. If this is the situation, then the validity certificate secured by Pratibha and thereafter Varsha and Savita would support the petitioners' claim.

7. The selfsame record has already been verified by committee. Unless the validities issued to Pratibha, Varsha and Savita are revoked, the petitioners' cannot be deprived of the same social status.

8. The petitioners are ready to run the risk as contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;** **WP No.6320/2017**. We are of the considered view that the petitioners' deserve validity certificates conditionally. However, we pass following order :

ORDER

- i. Writ petition is partly allowed.
- ii. The impugned order is quashed and set aside. The respondent - scrutiny committee shall issue validity certificates to the petitioners of 'Koli Mahadev' which shall be subject to final outcome of the reverification which is taken by scrutiny committee.
- iii. The petitioners shall not claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)