



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

Writ Petition No. 7772 OF 2024

Rupesh s/o Raju Ankushwad,
Age 19 years, Occu. Education,
R/o : Takalgaon, Tq. Ahemadpur,
Dist. Latur.

...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter at Aurangabad.
Through its Deputy Director (Research)
Dist. Aurangabad.

...Respondents

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Mr. Sunil M. Vibhute, Advocate for the Petitioner.

Mr. P.S. Patil, Addl.GP for Respondents/State.

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

DATE : 1 AUGUST 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides finally considering exigency expressed
by the petitioner.

2. The petitioner is challenging the judgment and order dated 11.07.2024 passed by the Scrutiny Committee, confiscating and invalidating his tribe certificate of Koli Mahadev scheduled tribe. He would rely on validity certificates of his father Raju and real uncles Vijaykumar and Anant. As the validity certificates were issued by following due procedure of law considering relevant record, it is contended that he is entitled to validity on the ground of parity.

3. Learned AGP tenders on record original file of the petitioner and his father. He would support the impugned judgment and order. It is contended that the Committee is justified in rejecting the case claim considering incompatible school record of Gopal and Bala and the manipulation in the school record of grandfather Venkat. It is informed that show cause notices have been issued for conducting re-verification of earlier validity holders.

4. We have considered the rival submissions of the parties and have also gone through relevant original record. There was vigilance inquiry conducted in the matter of petitioner's father Raju. A report to that effect indicates that school record of blood relatives Rupabai, Hanumal, Anant, Vijaykumar and Venkat was considered and it was found to be genuine. School record of petitioner's grandfather Venkat is of 1966. He was issued with validity certificate by a speaking order. We are of the considered

view that validity of Raju would support the claim of the petitioner. The Committee arbitrarily discarded the same.

5. Learned AGP vehemently demonstrates from the coloured photocopies that school record of Venkat is manipulated one. We are unable to offer any comment on this aspect. It would be within jurisdiction of the Committee to conduct re-verification which has already been proposed. The selfsame record has already been scrutinized by the Committee in earlier occasions. Unless the validities issued in the family of the petitioner are recalled, petitioner cannot be deprived of the same social status.

6. Learned AGP also refers to contrary entry of Bala in the revenue record indicating caste as 'Koli'. Petitioner had offered explanation to the contrary entries of the relatives including Bala that caste Koli was incorporated in the revenue record due to illiteracy of the forefathers and negligence of the officers. It was reiterated that despite those entries, petitioner remains a Koli Mahadev. This explanation has not been taken into consideration by the Committee. We are of the considered view that during the course of re-verification, it is open for the Committee to examine this aspect also.

7. Petitioner is ready to run the risk as per the judgment rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. He is

entitled to receive validity on conditions. We, therefore, pass following order :

ORDER

- a. The Writ Petition is allowed partly.
- b. The judgment and order dated 11.07.2024 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificate of 'Koli Mahadev' Scheduled Tribe to the petitioner forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- d. The petitioner shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE