



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

WRIT PETITION NO. 7776 OF 2024

Harshwardhan Sunil Yeshwante .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Vivekanand U. Jadhav, Advocate for the Petitioner.
Shri R. K. Ingole Patil, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST, 2024.**

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

. We have taken up the matter for final disposal as petitioner is in need of validity certificate for further education. Heard both the sides.

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. Learned counsel for the petitioner submits that his father is the validity holder. After following due procedure of law he was given validity certificate. In his matter reliance was placed on validity certificate of Balasaheb. Impugned judgment does not refer to validity certificate of Balasaheb, which is still intact.

3. Learned Assistant Government Pleader repels the submission of the petitioner on the ground that validity certificate of father was rightly discarded by the Committee due to suppression of incompatible school record of Rama Yashwante and Bhimabai. He would point out manipulation of record of Tatya and Sopan. To support the submissions learned A.G.P. tenders on record original papers of petitioner's father Sunil.

4. We have considered rival submissions of the parties. We have also gone through the relevant papers from Sunil's file. Sunil was issued with the validity certificate considering vigilance report of Balasaheb Trimbak Yashwante. By a reasoned order Sunil was issued with the validity certificate relying on validity of Balasaheb. Report of vigilance enquiry in case of Balasaheb was referred to in Sunil's matter. We have confirmed this position from the original papers of Sunil. It is also noticed that Sunil was issued with the validity certificate by a speaking order. Though the Committee has issued show cause notice to him, validity of Balasaheb is still intact. The petitioner cannot be denied validity unless earlier validities are revoked.

5. The learned A. G. P. has invited our attention to contrary entries and especially that of Tatya Dadarao Koli of the year 1956. The committee has to undertake reverification, if it is of the opinion that there is fraud. We cannot re-appreciate the incompatible school record at this juncture.

6. The petitioner is ready to run the risk of facing consequences as contemplated 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**. He is entitled to receive validity certificate on certain conditions. We, therefore, pass following order :

O R D E R

- a. The writ petition is partly allowed.
- b. Impugned order dated 12.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c. The respondent No. 2/Scrutiny Committee shall immediately issue certificate of validity to the petitioner of 'Koli Mahadev' (Scheduled Tribe) in prescribed proforma G without incorporating any conditions.
- d. Certificate of validity would be subject to the outcome of reverification undertaken by the Committee of the validity holder.
- e. Petitioner shall not be entitled to claim equities.

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