



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

WRIT PETITION NO. 7908 OF 2024

Yash Manoj Patil

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Harshal P. Randhir, Advocate for the Petitioner.

Shri V. M. Chate, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 22 AUGUST, 2024.

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

- . Heard both sides finally considering urgency in the matter.
2. Petitioner is assailing judgment and order dated 02 July 2024 passed by the respondent No. 2/Scrutiny Committee invalidating tribe certificate of the petitioner of 'Rajput Bhamta' VJ-A category. The petitioner seeks reliance on the validity certificate issued to his real sister Yogeshwari and paternal side relative Premsing. Learned counsel for the petitioner submits that the Committee on earlier occasion had considered relevant record in the case of his sister and Premsing and on the ground of parity he is entitled to receive validity certificate.
3. Learned Assistant Government Pleader tenders on record

the original papers. He supports impugned judgment and order. He would submit that Yogeshwari was issued with the validity certificate on the basis of validity given to one Premsing Nandansing Patil. The relationship between Premsing and Yogeshwari has not been established. The Committee has rightly discarded validity certificates of Yogeshwari and Premsing. The genealogy which is filed in the present matter also does not show name of Premsing. It is further contended that, even Yogeshwari secured validity certificate merely on the basis of validity of Premsing. No other material was placed on record to support the claim. According to the learned A. G. P. the Committee has taken plausible and reasonable view of the matter and no interference is called for.

4. We have considered rival submissions of the parties and also gone through the original papers, which are tendered on record. The genealogy which is placed on record indicates that real sister of the petitioner Yogeshari was issued with the validity certificate. Premsing Nandansing Patil is also shown in the genealogy. This genealogy was given by the petitioner's father in Yogeshwari's matter. Yogeshwari was issued with the validity certificate by a speaking order passed on 18.11.2021 by the Scrutiny Committee at Jalgaon. When the present scrutiny committee was dealing with the matter, the record of Yogeshwari could have been verified. It was available with the same committee. However, no endeavour has been made to consider record of Yogeshwari.

5. In the impugned judgment, the Committee has entertained a doubt about the relationship of Yogeshwari with the earlier validity holder-Premsing. However, it is evident from the papers of Yogeshwari's matter that there was affidavit given by Premsing stating genealogy and his relationship with Yogeshwari. There was affidavit of petitioner's father to indicate relationship between Premsing and Yogeshwari. Without conducting appropriate scrutiny, the findings have been recorded in paragraph No. 11 and 12 of the impugned judgment. We are of the considered view that those are unsustainable.

6. In view of the law laid down by the Supreme Court in the matter Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in *2023 SCC Online SC 326*, both the validity certificates were issued in accordance with law and would enure to the benefit of the petitioner. Both the validity certificates are intact.

7. We also find that the Committee has recorded in paragraph No. 6 of the impugned judgment that the Committee has no jurisdiction to review earlier validities of Yogeshwari and Premsing. If this is the approach of the Committee, then we find that the petitioner is entitled to validity certificate without there being any condition. Under these circumstances, it is desirable to allow the present writ petition by directing the committee to issue validity certificate to the petitioner. We, therefore, pass

following order :

O R D E R

- (a) The writ petition is allowed.
- (b) The impugned judgment and order dated 02.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (c) The respondent No. 2/Scrutiny Committee shall issue tribe validity certificate to the petitioner forthwith of 'Rajput Bhamta' VJ-A category in prescribed proforma without adding any condition.
- (d) The writ petition is disposed of.

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

bsb/Aug. 24