



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

Writ Petition No. 7907 OF 2024

1. Rutuja d/o Gajanan Devkate
Age : 18 years, Occ.: Student,
2. Shubham s/o Bhagwan Devkate
Age : 21 years, Occ.: Student,

Both are R/o : Jijamatanagar, Hingoli,
Dist. Hingoli.

...Petitioners

Versus

1. The State of Maharashtra,
Trough its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Verification,
Committee, Kinwat,
Headquarter at Aurangabad
Through its Member Secretary

...Respondents

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Mr. Boinwad Omgashad B., Advocate for the Petitioners.

Mrs. S.S. Joshi, AGP for Respondent/State.

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

DATE : 12 AUGUST 2024

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

. Heard both the sides finally considering urgency in the matter.

2. Petitioners are cousins, whose tribe certificates of Koli Mahadev schedule tribe, have been confiscated and invalidated by the Scrutiny Committee vide its judgment and order dated 16.07.2024. They seek to rely on the validity certificates of cousins Aditya, Piyush and Ramprasad. The old record of Ramprasad, Shaligram and Sakhubai supports their claim.

3. Learned AGP supports impugned judgment and order. He would submit that the Committee is justified in rejecting the tribe claim because validity certificates were not issued in accordance with law. He would point out incompatible school record of Shaligram Sakharam. It is further contended that the school record of aunt of the petitioner – Sakhubai, is found to have been tampered.

4. We have considered the rival submissions of the parties. It reveals from the record that Ramprasad is the first validity holder. There was vigilance inquiry conducted in his matter. His old record and that of, Shaligram and Sakhubai was verified. His validity certificate was issued with after following due process of law. Piyush and Aditya were issued with validity certificates by common order dated 30.10.2023 passed by the coordinate bench in Writ Petition No.13118/2023. We are of the considered view that the petitioners are entitled to receive validity certificates.

5. The petitioners are 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. We find that impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 16.07.2024 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificate of 'Koli Mahadev-29' scheduled tribe to the petitioners forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- d. The petitioners shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE