



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

WRIT PETITION NO. 7905 OF 2024

Rohit Ramesh Rabade

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Vivekanand U. Jadhav, Advocate for the Petitioner.

Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 31 JULY 2024.

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

. Heard both the sides finally at the admission stage as per the exigency expressed by the learned counsel for the petitioner.

2. Petitioner is taking exception to the judgment and order dated 23.07.2024 passed by the respondent No. 2/Scrutiny Committee invalidating and confiscating his tribe certificate of 'Naikda' (Scheduled Tribe). He relies on the validity certificate of father and the self same record considered by the Scrutiny Committee, especially that of Ramsinh of 1924.

3. Learned Assistant Government Pleader supports the impugned judgment and order. He would submit that validity certificate of father of the petitioner was procured by misleading the Committee as there was manipulation in the school record of

the close relatives. The Committee has taken plausible view. He tenders on record original papers of petitioner's father Ramesh and would vehemently submit that birth record of Ramsinh is suspicious and no benefit can be given to the petitioner.

4. We have considered rival submissions of the parties and also considered original papers of validity holder Ramesh. Old school record of Mohansingh, Narsingh, Adyansingh, Prakash, Tarasingh and Darasingh was verified by the vigilance officer. Ramesh was found to have withstood the affinity test. Thereafter by speaking order validity was issued to Ramesh by the Scrutiny Committee. Birth record of Ramsinh, of 1924, was part of enquiry. When self same record is under consideration, it would not be appropriate to take any contrary view to deny validity to the petitioner.

5. Impugned judgment does not refer to old entry of Ramsinh of 1924. The vigilance officer verified birth record from Kotwal book. By letter dated 23.08.2011, Tahsildar confirmed that the entry of 1924 was genuine. Despite of due verification of such important evidence during vigilance enquiry, the Committee did not bother to consider it, which is perversity. It is record of 1924, which has greater probative value.

6. It is informed by the learned A. G. P. that the Committee has proposed reverification. The petitioner is ready to run the risk in view of the judgment 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.

6. We find that impugned judgment and order is unsustainable. The petitioner deserves validity certificate conditionally. We, therefore, pass following order.

O R D E R

- A) The writ petition is allowed partly.
- B) The impugned judgment and order dated 23.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C) The respondent No. 2/Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Naikda' scheduled tribe in the prescribed proforma immediately.
- D) The validity shall be subject to outcome of the matters which the committee has decided to re-open.
- E) The petitioner shall not be entitled to claim equities.
- F) The writ petition is disposed of.

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

bsb/July 24