



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8031 OF 2024

Gangaprasad s/o Keshav Premulwad,
Age 19 years, Occ. Student,
R/o. At Post Pimpaldhav, Tq. Bhokar,
Dist. Nanded.

... Petitioner

VERSUS

1) The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2) Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Chhatrapati Sambhajnagar
Through its Deputy Director (Research)
and Member Secretary,
near CIDCO Bus Stand, Chhatrapati
Sambhajnagar, District Chhatrapati
Sambhajnagar.

... Respondents

...

Advocate for Petitioner : Mr. C.R. Thorat
A.G.P. for Respondents/State : Mr. S.P. Joshi

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

DATE : 08.08.2024

ORDER :

The petitioner is challenging the order of respondent no. 2-scrutiny committee, refusing to validate his '*Koli Mahadev*' scheduled tribe certificate.

2. The learned advocate for the petitioner adverts our attention to the genealogy and would submit that the petitioner's second degree grandfather

Pundlik Madhavrao Premulwad, was issued with a certificate of validity way back in the year 2008 by following due process of law. A vigilance enquiry was conducted, and by a reasoned order, he was issued with a certificate of validity. He would, therefore, submit that there being no dispute about the petitioner being related to Pundlik by blood, he deserves to be extended the benefit in the light of paragraph no. 22 of the ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326.***

3. Independently, the learned advocate would endeavour to substantiate the claim by taking us through the favourable record mentioned in the impugned order. He would submit that even if the committee has now decided to undertake rescrutiny of the validity issued to Pundlik, the petitioner may be issued with a conditional validity. He is ready to suffer the consequences as contemplated in the matter of ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017).

4. The learned A.G.P. would oppose the petition. He would submit that the committee could trace out various contrary entries. Even manipulation was reported. The circumstances have been noted to demonstrate as to how Pundlik was able to derive the benefit by concealing the contrary record. The fraud vitiates that validity and the committee would undertake reverification of his claim.

5. We have considered the rival submissions and perused the record. The impugned order itself expressly mentions as to how Pundlik is related to the petitioner by blood. It has not entertained any doubt about that.

6. Again, as can be seen, admittedly, the vigilance enquiry was conducted in the matter of Pundlik and he was issued with a certificate of validity by a reasoned order, which has not been commented upon by the present committee in the impugned order.

7. If such is the state of affairs, obviously the observations in paragraph no. 22 of the *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)* would stand complied with and the petitioner would be entitled to have a certificate of validity.

8. The impugned order does refer to circumstances, which according to the committee are demonstrative of the fact that Pundlik had obtained a certificate of validity by suppressing contrary record. Admittedly, he is not before us. The allegations have drastic ramifications. Even if the committee has its views, we cannot undertake objective scrutiny of the circumstances noted by the committee to arrive at any conclusion which has potentially a bearing on the enquiry, which the committee has decided to undertake.

9. Once having seen that Pundlik was issued with a certificate of validity by following due process of law, the petitioner deserves to be extended the benefit of validity coterminous with his validity.

10. The Writ Petition is allowed partly. The impugned order is quashed and set aside. The respondent no. 2-Committee shall immediately issue a certificate of validity to the petitioner as belonging to the 'Koli Mahadev' scheduled tribe. The validity shall be subject to the final outcome of the matters which the committee has decided to reopen.

11. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-