



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

**WRIT PETITION NO. 8635 OF 2024**

Vinay Dnyaneshwar Sonune  
Through his Guardian  
Dnyaneshwar Eknath Sonune .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri Deepak D. Choudhari, Advocate for the Petitioner.  
Shri A. R. Kale, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 23 AUGUST 2024.**

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

. Heard both the sides finally considering exigency for the petitioner.

2. The petitioner is taking exception to the judgment and order dated 12.08.2024 passed by the respondent No. 2/scrutiny committee confiscating and invalidating his tribe certificate as to scheduled tribe 'Koli Malhar'. He would refer to the genealogy and rely on the certificates of validities issued to his father – Dnyaneshwar, aunts Usha, Asha and Uncle – Vinod. It is contended that earlier validity holders were issued with the validity certificates by conducting vigilance enquiry and by speaking orders of the committee. They would enure to the benefit of the petitioner.

3. The learned Assistant Government Pleader tenders on record original papers of the petitioner and that of first validity holder Usha. He would submit that the school record of Eknath, Dhanraj, Prakash, Yogiraj, Hiranman, Deelip, Shivnanda and Janabai was found to be tampered. The committee has issued show cause notices to earlier validity holders. The committee is justified in discarding the validity certificates.

4. During the course of argument learned counsel for the petitioner tenders on record a compilation of documents comprising of report of vigilance enquiry in the matter of Usha Eknath Sonune and orders of the committee in the matter of Asha, Dnyaneshwar and Vinod.

5. Petitioner's father, uncle and aunts have been issued with the validity certificates. It reveals that vigilance enquiry was conducted in the matter of first validity holder Usha. By a speaking order she was issued with the validity certificate by the committee. Similar is the case of other validity holders. By speaking orders they were issued with the validity certificates by the committee. We are of the considered view that the certificates of validity which are pressed into service by the petitioner are issued after following due procedure of law and they would enure to the benefit of the petitioner.

6. Learned A. G. P. would point out from the original record that the school record of the relatives was found to be tampered.

The word Malhar has been encircled and added subsequently in the school record. We have considered the reply submitted to the vigilance report. It shows that earlier while admitting inadvertently only Koli was written in the column of caste and subsequently word Malhar was being entered. The correction of the school record appears to be endorsed by teacher. Whether this type of record would amount to fraud or not has to be determined by the scrutiny committee during the reverification. The committee has issued show cause notices to the earlier validity holder and reverification is under way.

7. It is pointed out by the learned counsel for the petitioner by referring to the additional compilation tendered on record that Tahsildar had issued letter on 23.11.2005 in the matter of Usha that revenue record of Baluba Mhatarji of the year 1954-55 would indicate caste as M. Koli R/o Kothekoli. It was reported to be genuine one. The committee has not taken into account this report of the Tahsildar. The relevant record is overlooked. Therefore, we find that the impugned judgment and order is unsustainable.

8. The petitioner is ready to run the risk of facing consequences 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**. He deserves to be issued with the validity certificate conditionally. It is informed by the learned A. G. P. that earlier validity holders to whom show cause notices are issued are not cooperating with

the committee. We propose to incorporate additional condition in our order.

### **O R D E R**

- A. Writ petition is allowed partly.
- B. Impugned judgment and order dated 12.08.2024 passed by the respondent No. 2/Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue caste validity certificate to the petitioner of 'Koli Malhar' scheduled tribe immediately in prescribed proforma.
- D. The said validity certificate shall be subject to the outcome of the reverification of earlier validities which is undertaken by the respondent No. 2/Scrutiny Committee.
- E. The earlier validity holders who are called upon for the reverification shall co-operate with the scrutiny committee.
- F. The petitioner shall not be entitled to claim any equities.

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

*bsb/Aug. 24*