



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8645 OF 2024

MAHESH GORAKHANATH WAGWAD
VERSUS
SCHEDULED TRIBE CERTIFICATE
SCRUTINY COMMITTEE, KINWAT

...

Advocate for Petitioner : Mr. U.B. Gite h/f. Mr. M.S. Deshmukh
AGP for Respondent : Mr. S.R. Yadav-Lonikar

...

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

PER COURT [*Shailesh P. Brahme, J.*] :

Heard this matter finally considering urgency in the matter.

2. The petitioner is aggrieved by judgment and order dated 12.08.2024, invalidating his tribe certificate. He seeks to rely upon validity certificate of Navnath, his real uncle. Learned counsel for the petitioner submits that it was issued by following due process of law and considering relevant record. He also relies on the validity certificate issued to his real sister Madhavi vide order dated 07.07.2023 passed in Writ Petition No. 10954/2022.

3. Learned AGP would oppose the submissions of the petitioner. He submits that the Scrutiny Committee found that there was manipulation in the school record of Navnath and

Gorakhnath. The validity certificates of Navnath was found to be procured by suppression of material facts. It is informed that the Committee has issued show cause notice to Navnath and reverification is under way. He would pray to dismiss the petition as no case is made out for granting any relief.

4. We have considered rival submissions of the parties. The petitioner has pressed into service the certificates of validities of his sister Madhvi and uncle Navnath. There is no dispute about the relationship of the petitioner with the validity holders. The order passed on 07.07.2023 by our bench in Writ Petition No. 10954/2022 in case of Madhavi shows that the certificates of validities issued to Sujit, Chandrakant and Navnath were relied on. We prefer to adopt the same reasoning and the course.

5. Besides that, vigilance enquiry was conducted in the matter of Navnath. Its report indicates that relevant material was taken into account by the vigilance cell. Thereafter, Navnath was issued with validity certificate by speaking order. We find that certificate of validity of Navnath and Madhavi would enure to the benefit of petitioner.

6. It further reveals that Sujit and Chandrakanth were also issued with validity certificate by common judgment and

order dated 11.12.2020 passed in Writ Petition No. 8185/2020. That is a conditional factor to grant validity certificate to the petitioner.

7. The Committee has issued show cause notices to the earlier validity holders. The petitioner is ready to run risk in view of *Shweta Balaji Isankar Versus State of Maharashtra and others*, in Writ Petition No. 5611/2018. In that view of the matter, he deserves validity certificate conditionally. We, therefore, pass following order:

ORDER

- i. Writ Petition is allowed partly.
- ii. Impugned judgment and order dated 12.08.2024 is quashed and set aside.
- iii. The respondent – Scrutiny Committee shall issue tribe validity certificate of ‘Koli Mahadev’ scheduled tribe to the petitioner forthwith. The same shall be subject to outcome of reverification undertaken by the Committee.
- iv. The petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]