



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

WRIT PETITION NO. 11467 OF 2021

Manoj Mahadev Bhosale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Vivek U. Jadhav, Advocates for the Petitioner.

Shri K. S. Patil, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 26 JULY 2024.

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

. Heard both sides finally.

2. The petitioner is challenging judgment and order dated 04.09.2021 passed by the respondent/Scrutiny Committee invalidating the tribe certificate and confiscating it. He claims to be belonging to 'Koli Mahadev' (Scheduled Tribe). He seeks to rely on validity certificates of his uncle Sahdev and cousin Narhari. The learned counsel for the petitioner submits that school record of Fasali 1341 of Sidramappa supports his claim which has greater probative value.

3. The learned Assistant Government Pleader supports impugned judgment and order. He would submit that there are various contrary entries of the blood relatives of the petitioner.

The old entry of Sidramappa is fabricated and suspicious. The Committee has proposed to conduct reverification of the validity certificate of Sahdev and Narhari. He tenders on record original papers of Sahdev.

4. We have considered rival submissions of the parties. The genealogy produced by the petitioner indicates that validity holder, Sahdev, is real uncle of the petitioner and another validity holder Narhari is his first degree cousin. It reveals that Sahdev was issued with the validity certificate by speaking order considering vigilance report. We are of the considered view that after following due procedure of law the validity certificate was issued to Sahdev. Unless it is recalled, the petitioner cannot be deprived of same social status. Petitioner's uncle was issued with validity certificate relying on validity of Sahdev. His validity too supports the petitioner's claim.

5. From the original papers learned A. G. P. would pointed out photocopies of the revenue entries to buttress his submission that the entries in the Modi script do not show caste as Koli Mahadev. Record reveals that few entries did not indicate caste in question, but it would be duty of the Committee to undertake reverification and to find out any suppression or fraud. When self same record was already considered and validities were granted in the family of the petitioner, we are unable to take any contrary view. The Committee has already proposed reverification.

6. The learned counsel for the petitioner submits that he is ready to run the risk as per 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**. We are of the considered view that the impugned judgment and order is liable to be quashed and set aside. We, therefore, pass following order :

O R D E R

- A) The writ petition is partly allowed.
- B) The impugned order dated 04.09.2021 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 'Koli Mahadev' scheduled tribe in the prescribed proforma without adding anything. The validity shall be subject to outcome of the matters which the committee has decided to re-open.
- D) The petitioner shall not be entitled to claim equities.

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

bsb/July 24