



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

WRIT PETITION NO. 9647 OF 2024

Arjun Balaji Rejitwad,
Age 18 years, Occ. Student,
R/o. Umari Station, Tq. Umari,
Dist. Nanded.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
 - 2) The Scheduled Tribes Certificate
Scrutiny Committee, Kinwat,
Headquartered at Aurangabad,
Through its Vice-Chairman, Aurangabad.
- ... **Respondents**

...
Advocate for Petitioner : Mr. O.B. Boinwad.
A.G.P. for Respondents/State : Mrs. S.S. Joshi

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

**RESERVED ON : 26.09.2024
PRONOUNCED ON : 03.10.2024**

ORDER : (MANGESH S. PATIL, J.)

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

2. With the consent of both the sides, we have heard the matter finally at the stage of admission.

3. The learned advocate for the petitioner submits that there are numerous validities in the family and the petitioner being their blood relative is entitled to derive the benefit of these validities, which were issued by the respective scrutiny committees by following due process of law. The petitioner cannot be singled out even if the committee is now attributing

fraud having been practised by the validity holders while obtaining the certificates of validity, till the time it is able to confiscate and cancel those validity certificates, the petitioner cannot be made to wait at the cost of his career particularly when the fraud has to be proved strictly and it would be a long drawn process. The petitioner is ready to have a conditional validity based on the final outcome of the matters, which the committee has decided to reopen in respect of the validity holders and face the consequences as contemplated in **Shweta Balaji Isankar Vs. State of Maharashtra and others (Writ Petition No. 6320 of 2017)**.

4. The learned advocate would further submit that in spite of specific denial by the petitioner in the reply to the vigilance enquiry, without assigning any reason refuting such denial the committee has resorted and used a contrary school record of one Bhaurao Naga Rejitwad by treating him to be his cousin grandfather wherein he was described as '*Koli*' in the caste column of school register while admitting him to the school on 02.02.1955.

5. Per contra, the learned A.G.P. would strenuously oppose the petition and justify the conclusion drawn by the committee in pointing out the fraud practised by the validity holders and also on the ground that contrary record of the earlier time has been rightly relied upon by the committee while discarding the favourable record of latter period. He would further submit that the committee has assigned specific reasons in respect of the validity holders, to demonstrate that they had obtained the validities by false and bogus school record even acting in collusion with the Vigilance Officer Mr. Musale. Some of the validities were granted relying upon the certificates of validity of the individuals not related from the paternal side and some of the validities were issued by the then committee, which was headed by one Mr. V.S. Patil, whose functioning was dubious and even the State Government had decided to undertake verification of the validity certificates issued by that committee.

6. The learned A.G.P. would lastly submit that even the petitioner could not get through the affinity test.

7. As can be gathered, independent of the merits, there are several blood relatives of the petitioner holding certificates of validity. The earliest in point of time are the validities of one Arjun Bhaurao Rejitwad issued on 08.09.2006 and Sunil Hanumant Rejitwad dated 19.09.2007. It is not the stand of the committee in the impugned order that they were issued with certificates of validity by the committee headed by Mr. V.S. Patil. The certificates of validity issued by the committee headed by Mr. V. S. Patil are of the subsequent period. Arjun Bhaurao Rejitwad's original file has been made available to us. Though he had relied upon certificates of validity of the individuals not related to him, pertinently, the order in his matter does not show that he was held entitled to have certificate **only** relying upon the validities of persons not related by blood. Coupled therewith, there were documents as can be seen from the order referred to and relied upon by the committee. Even vigilance enquiry was conducted and expressly mentioning that on the basis of the documentary evidence, the report of the vigilance officer and the remarks of the Research Officer that it had held Arjun entitled to have certificate of validity. It is thus apparent that he was issued with certificate of validity by following due process of law and there being no dispute that he is related to the petitioner the latter is entitled to have a certificate of validity.

8. Though the committee has sought to take exception to the validity of Arjun Bhaurao Rejitwad on the premise that he had concealed some contrary record in respect of his father Bhaurao Naga Rejitwad, it is pertinent to note that the petitioner in reply to the vigilance report has expressly denied that individual Bhaurao Naga Rejitwad being related to him by blood. Pertinently, this seems to be the issue before the then committee which decided the matter of Arjun Bhaurao Rejitwad wherein his father Bhaurao Naga Rejitwad had filed affidavit stating that he had never

been to any school and was illiterate. Even the Vigilance Officer had recorded his statement, which was annexed to the vigilance report. If such is the state of affairs, when a specific dispute has been raised refuting the fact that the school record of 1955 of Bhaurao Naga Rejitwad of Zilla Parishad High School Manjram Tq. Naigaon Khai, describing him 'Koli' is not related to the petitioner by blood and there is affidavit and statement of validity holder Arjun's father in his matter before the scrutiny committee expressly stating that he was illiterate and had never been to any school, it was imperative for the present committee to deal with the stand of the petitioner disputing the fact that Bhaurao Naga Rejitwad was related to him. The impugned order is conspicuously silent on this aspect.

9. Be that as it may, even if the committee has now decided to undertake fresh scrutiny of the validity certificates of all the validity holders on the ground of alleged fraud, it will have to substantiate such inference by undertaking a due process of law. Till the time it is able to do that and is able to confiscate and cancel all the validity certificates of the individuals related to the petitioner by blood, he is entitled to derive the benefit of the validity of Arjun Bhaurao Rejitwad, which is the first validity holder in the family.

10. The Writ Petition is allowed partly.

11. The impugned order is quashed and set aside. The respondent no.2-committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)