



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

WRIT PETITION NO. 9782 OF 2024

Chaitanya S/o Shivdas Nidbane
Through father and natural guardian
Shivdas S/o Pundlikrao Nidbane .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. R. Yadav Lonikar, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 20 SEPTEMBER 2024.**

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

- . Heard both sides finally as there is exigency in the matter.
2. This petition is directed against the judgment and order dated 27.08.2024 passed by the respondent No. 2/Scrutiny Committee thereby confiscating and invalidating the tribe certificate of the petitioner as belonging to 'Koli Mahadev' Scheduled Tribe. He is relying on validity certificates of Narayan Vithoba Nidbane and Ashwini Narayan Nidbane.
3. The learned counsel for the petitioner submits that the blood relatives of the petitioner have been issued with the validity certificates in pursuance of the orders of the High Court. The Scrutiny Committee has committed an error of jurisdiction

in rejecting the tribe claim. It is further submitted that the petitioner is ready to run the risk of facing consequences 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**. Under these circumstances the petitioner should have been issued with the validity certificate.

4. The learned Assistant Government Pleader opposes the submissions of the petitioner. He submits that the validity certificates are rightly rejected by the Committee. Earlier validity holders suppressed order of invalidation in the matter of Sarika Devidas Nidbane and incompatible school record of the blood relatives. The tampering of the school record was also noticed. The Scrutiny Committee has issued show cause notices to the earlier validity holders. Hence it is not desirable to issue validity certificate to the petitioner.

5. We have heard rival submissions of the parties. The petitioner is relying on validity certificates of Narayan and his daughter Ashwini, who are his paternal side relatives. Ashwini was issued with the validity certificate in pursuance of orders passed by the High Court in Writ Petition No. 2308 of 2022. It reveals that there was common vigilance enquiry in the matter of Sanket, Suyog, Madhuri and Ashwini. The same report was adopted by the petitioner and served on him. His reply dated 09.08.2024 would corroborate this fact. Thus, after considering self same record, validity certificate was issued to Ashwini, who is shown in the genealogy. The petitioner cannot be denied

validity certificate. The validity certificates of Narayan and Ashwini would ensure to his benefit.

6. The Committee has discarded validity certificates as there was suppression of order of invalidation in the matter of Sarika Devidas Nidbane. It does not appear from the record that the invalidation of Sarika was ever confronted to the petitioner before pitting it against him. Besides that, order of invalidation operates in persona and as such is not an adverse order. The findings of the Committee are unsustainable.

7. The Committee is conducting reverification. The contrary school entries and manipulated entries can be considered during the reverification. Unless earlier validities are revoked, the petitioner cannot be denied same social status. 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** (supra). It is desirable to issue validity certificate to him conditional. We, therefore, pass following order.

O R D E R

- a. The writ petition is partly allowed.
- b. The impugned judgment and order dated 27.08.2024 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.
- d. The validity certificate of the petitioner shall be co-terminus with the validity certificates of the blood relatives of the petitioner who are facing reverification.
- e. The petitioner shall not be entitled to claim equities.

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

bsb / Sept. 24