



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9875 OF 2024

SAISH SHANKAR BHASKARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. O.B. Boinwad
AGP for Respondents : Mr. R.S. Wani

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

DATE : 09 SEPTEMBER 2024

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

. Heard both the sides finally considering urgency in the matter.

2. The petitioner is challenging judgment and order dated 06.09.2024, invalidating his tribe certificates of 'Koli Mahadev' scheduled tribe. He would rely on validity certificate of his father. He would submit that after following due process of law, his father was issued with validity certificate which is reliable one. It is further submitted that as the selfsame record has already been scrutinized, the petitioner is also entitled to validity. It is further submitted that the petitioner is ready to run risk in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018.

3. Learned AGP supports impugned judgment and order. He would submit that father's validity certificate was issued ignoring the school record and relying on the validity of Subhash who was not the paternal side relative. It is not speaking order. The Committee has

decided to reopen the validity of his father. Under such circumstances, the petitioner cannot be issued the validity certificate.

4. We have considered the rival submissions of the parties as well as original file of petitioner's father. Vigilance inquiry was conducted in the matter of petitioner's father. Considering its report the committee by a speaking order, issued validity certificate. Apparently due process of law has been followed while issuing validity to petitioner's father – Shankar. The selfsame record has already been scrutinized. The petitioner is entitled to receive validity certificate.

5. The incompatible school record can be dealt with by the committee during the reverification. We cannot comment upon validity of petitioner's father. The verification is likely to take some time. The petitioner cannot be made to wait till its outcome. The petitioner is ready to run risk in view of Shweta Balaji Isankar (supra). It is desirable to issue validity certificate to him, conditionally.

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 06.09.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Since the petitioner is required to submit the certificate of validity to secure admission today itself and has been allotted a college at Pune, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity

certificates to the petitioner as belonging to 'Koli Mahadev' scheduled tribe in the prescribed proforma.

iv. The validity shall be co-terminus with the validity of the earlier holders.

v. The petitioner shall not claim equity.

vi. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]