



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO. 9920 OF 2024

1. MANISHA S/O. NAMDEV DEVALE
2. MANGESH S/O. DEVIDAS DEVALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

AND

941 WRIT PETITION NO. 9941 OF 2024

1. BHANUDAS S/O. ANKUSH DEVALE
THROUGH POA ANKUSH BHANUDAS DEVALE
2. SACHIN S/O. ANANTKUMAR DEVALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. P.S. Patil

...

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

DATE : 12 SEPTEMBER 2024

PER COURT :

Heard both the sides finally at the admission stage considering the exigency in the matter.

2. The petitioners are blood relatives *inter se* and are staking claim to scheduled tribe 'Koli Mahadev'. Their tribe claims are rejected by the Scrutiny Committee. There is common record and genealogy. We, therefore, propose to decide both the petitions by this common judgment and order, even though there are separate judgments and orders dated 03.09.2024 and 05.09.2024 passed by the Committee, confiscating and invalidating their tribe certificates.

3. The learned Advocate for the petitioners would submit that the tribe certificates of Tukaram, Amol and Anantkumar were

issued after following due process of law and would enure to their benefit. The Scrutiny Committee arbitrarily rejected their tribe claims. The self same record has already been verified and the school entry of Kusheba Gangaram Devale of 1951 and Sudam Nivrutti Devale of 1955 were amongst other entries which were found to be genuine. The old record is having greater probative value and it would corroborate their claim.

4. Learned AGP supports impugned judgment and order. He would submit that the Scrutiny Committee has rightly discarded their validity certificates. The school entries of blood relatives Chandrakala, Devidas and Namdev were found to be suspicious. The school record was found tampered with in case of Kusheba Gangaram Devale. It is submitted that no proper verification and enquiry was conducted in case of earlier validity holders. The Committee is proceeding with the reverification of validity certificate. No case is made out to interfere with the impugned judgments and orders.

5. We have considered rival submissions. We have gone through the genealogy. The relationship of the petitioners with the validity holders has not been disputed. The validity holder Tukaram Shivram Devale, Amol Tukaram Devale and Anantkumar Kusheba Devale are the paternal side blood relatives of the petitioners. Considering the genealogy pressed into service by the petitioner, it reveals that there are validity holders in each of the branches of Lobhaji of which the petitioners are lineal descendants.

6. Our attention is adverted to order dated 18.10.2023 passed in the matter of Amol Tukaram Devale in Writ Petition No.

12715/2023 granting him validity conditionally. We do not see any reason for taking any different view. We are of the considered view that he was issued with validity certificate in accordance with law and would corroborate petitioners' claim.

7. It can be seen from record that there was vigilance enquiry was conducted in the matter of Anantkumar Kusheba Devale. The school record of the blood relatives were verified including old entry of Kusheba Gangaram Devale indicating caste as 'Koli Mahadev' of 23.08.1951. He was also issued with validity certificate by the Committee by a speaking order. It further reveals that in case of Tukaram Shivram Devale, vigilance enquiry report was prepared. Amongst other entries, school entry of Sudam Nivrutti Devale appeared to be of 1955 which was found to be genuine. He was also issued with validity certificate with a speaking order. The validity certificates pressed into service would enure to the benefit of the petitioners and they are entitled to derive the benefits.

8. The Committee has issued show cause notices to the earlier validity holders. The incompatible school record pointed out by the learned AGP can be taken into account during reverification. Unless and until the earlier validities are revoked, petitioners cannot be deprived of same social status. The petitioners are ready to face the consequences as contemplated by *Shweta Balaji Isankar Versus State of Maharashtra and others*, in Writ Petition No. 5611/2018. It is desirable to issue validity certificates to them, conditionally. We, therefore, passed following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgments and orders passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Since the petitioners are required to submit the certificates of validity to secure admission within stipulated period, 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.
- 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.]