



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

WRIT PETITION NO. 9937 OF 2024

Onkar Parmeshwar Gonare .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Ghanshyam K. Chinchole, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 14 OCTOBER 2024.**

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

. Heard both the sides finally due to urgency in the matter.

2. The petitioner is taking exception to the judgment and order dated 30.08.2024 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe certificate as belonging to 'Koli Mahadev' scheduled tribe. He is relying on validity certificates of his father Parmeshwar, brother Bhaskar, Sister Punam, uncle Madhukar and cousin Govind.

3. The learned counsel for the petitioner submits that the self same record has already been considered by the Committee in the matters of validity holders. On the ground of parity petitioner is entitled to receive validity certificate. Unless those validity certificates are revoked, petitioner cannot be denied same social status. It is further submitted that 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 judgment dated 27 July 2018 in W. P. No. 5611 of 2018.**

4. The learned Assistant Government Pleader supports the impugned judgment and order. He would submit that earlier validities were obtained by suppressing incompatible school record. The first validity holder Parmeshwar was issued with validity certificate banking on validity of Kerba, who was not blood relative. It is submitted that petitioner's father suppressed his own contra entry of 1974, which is a fraud.

5. We have considered rival submissions of the parties. The petitioner's father Parmeshwar is the first validity holder. The vigilance enquiry conducted in his matter shows that contrary entries of Madhukar of 1968 as well as school entries of Balaji were taken into account by the Committee. By a speaking order he was issued with validity certificate. We find that due procedure was followed for granting him validity, which would enure to the benefit of the petitioner.

6. The petitioner's real brother Bhaskar and sister Punam are also validity holders. Unless earlier validities are revoked, the petitioner cannot be deprived of same social status. The incompatible and tampered school record of the blood relatives cannot *per se* treated to be fraud. It would only be reason to proceed for reverification of earlier validities.

7. The Committee has to conduct exercise to find out as to whether any fraud is committed or not. In the absence of the concerned validity holders before us the inference of fraud cannot be drawn in the present proceeding. 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 the petitioner. We, therefore, pass following order.

O R D E R

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 30.08.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe immediately in prescribed proforma.
- (iv) The validity certificate of the petitioner shall be subject to outcome of reverification undertake by the committee of the earlier validity holders.
- (v) The petitioner shall not be entitled to claim equities.

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