



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9885 OF 2024

1] Mahesh S/o Manoj Gadamwad,
Age : 24 years, Occu : Student,
R/o. At Post Pimpalgaon Peth,
Tq. Palam, Dist. Parbhani

2] Gaurav S/o Pandurang Gadamwad,
Age : 26 years, Occu : Student,
R/o. At Post Pimpalgaon Peth,
Tq. Palam, Dist. Parbhani

.. Petitioners

Versus

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] Scheduled Tribe Certificate
Verification Committee,
Chhatrapati Sambhajnagar,
Through its Deputy Director (Research)
and Member Secretary,
Near Saint Lawrence School, CIDCO,
Chhatrapati Sambhajnagar,
Dist. Chhatrapati Sambhajnagar

.. Respondents

...
Advocate for petitioners : Mr. Chandrakant R. Thorat
AGP for the respondent – State : Mr. R.S. Wani
...

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

DATE : 09 SEPTEMBER 2024

ORDER (MANGESH S. PATIL, J.) :

The petitioners who are related by blood *inter se*, are
challenging the common judgment and order of the respondent –

scrutiny committee refusing to validate their 'Koli Mahadev' scheduled tribe certificates.

2. Learned advocate for the petitioners submits that apart from the positive evidence in the form of consistent record of the blood relatives wherein they have been described as 'Koli Mahadev' or 'Mahadev Koli', the petitioners are relying upon the validity of the blood relatives issued by following due process of law. One of them is Kondiba Vitthal Gadamwad who is the first degree cousin of petitioner – Gaurav and third degree cousin of petitioner – Mahesh. Besides, petitioner - Gaurav's real brother – Prashant had also suffered invalidation. However, in writ petition no. 9205 of 2023, by order dated 04-08-2023, he was held entitled to have a certificate of validity subject to the ultimate decision in the matter of Kondiba which the committee had decided to re-visit on the ground of fraud. Since there is no dispute about the petitioner's blood relationship with these validity holders, and when the petitioners even are ready to run the risk of facing the consequences contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017) they may be issued with certificates of validity.

3. Per contra, learned AGP would submit that the committee has assigned cogent and convincing reasons to buttress its inference about Kondiba having obtained the validity by suppressing contrary

material. Even the committee which decided his claim was headed by one Mr. V.S. Patil, whose functioning has been questioned even by the government, which has decided to re-open those validities.

4. Having considered both the sides, it is well neigh clear that Kondiba is the first validity holder. Petitioner – Gaurav’s brother Prashant was also relying upon him. Though his claim was also invalidated, this Court had found him entitled to have a certificate of validity subject to the final outcome of Kondiba’s matter which the committee had decided to re-open. The petitioner – Gaurav being the real brother and petitioner – Mahesh being their third degree cousin, cannot be treated unequally particularly when they are ready to face the consequences contemplated in ***Shweta Balaji Isankar*** (supra).

5. Admittedly, the committee is still to take the re-opened matter of Kondiba, to its logical end. The petitioners cannot be made to wait at the cost of their education.

6. For the afore-mentioned reasons, the writ petition is allowed partly.

7. The impugned judgment and order dated 05-09-2024 passed by respondent no. 2 – Scrutiny Committee is quashed and set aside.

8. Since the petitioner no. 1 is required to submit the certificate of validity to secure admission on 10 September 2024 and has been allotted a college and petitioner no. 2 is also in need of certificate of validity, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format.

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

10. The petitioners shall not claim equities.

11. 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]
JUDGE

[MANGESH S. PATIL]
JUDGE

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