



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9886 OF 2024

1. Vishwajeet Pandhari Dasarwad
 2. Saiprasad Pandhari Dasarwad
 3. Sakshi Damodhar Dasarwad
- ... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Secretary
Tribal Development
Mantralaya, Mumbai
 2. The Scheduled Tribe,
Certificate Scrutiny Committee
Kinwat, Division Aurangabad
 3. State Common Entrance Test Cell
8th Floor New Excelsior Building
Mumbai A K Nayak Marg, Fort, Mumbai
- ... RESPONDENTS

Advocate for petitioners : Mr. Anandsingh S. Bayas
A.G.P. for respondent/State : Mr. S.R. Yadav-Lonikar

...

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

DATE : 09.09.2024

ORDER (MANGESH S. PATIL, J.) :

The petitioners are challenging the common judgment and order of the respondent No.2 – Scrutiny Committee refusing to validate their ‘Koli Mahadev’ scheduled tribe certificates.

2. The learned advocate for the petitioner would submit that Pandhari Rama Dasarwad who is the father of petitioners Vishwajeet and Saiprasad, possesses a certificate of validity, which was issued by following due process of law. Petitioner Sakshi is the granddaughter of

Pandhari's real brother Shankar. He would submit that in spite of the fact that the validity was issued by following due process of law, the Committee has illegally refused to validate petitioners' claims. Even if the Committee has decided to undertake the process of recalling the validity on the ground of it having been obtained by resorting to fraud, till the time the Committee is able to do that the petitioners cannot be made to wait at the cost of their career. They are ready to run the risk of facing the consequences contemplated in **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;WP No.6320/2017**.

3. Learned AGP tries to substantiate the observations and the conclusions of the Committee. He would submit that sufficient and cogent reasons have been assigned by the Committee to undertake reverification of Pandhari's validity and the petitioners cannot be allowed to derive the benefit of fraud.

4. Needless to state that fraud is serious allegation and has to be proved to the hilt. Even if the Committee has assigned some reasons to substantiate its such inference, we cannot indulge in undertaking any objective scrutiny of such inference for the simple reason that, that will have to be resorted to only in the appropriate proceeding which the Committee has decided to undertake. Pandhari is not the party to the petition and we do not think it appropriate to undertake such a scrutiny which could have some bearing in the matter to be reopened by the Committee.

5. The fact remains that Pandhari possesses certificate of validity. There is no dispute about blood relationship. He was issued with certificate of validity by following due process of law. Admittedly, even there is one more validity of one Shrikant Sopanrao Dasarwad. The Committee in the impugned order has not disputed the relationship of that Shrikant with these petitioners. Only the scanned copy of the original file of Shrikant has been made available to us. He was also issued with a certificate of validity by undertaking a vigilance inquiry and by passing a reasoned order. Since the parameters laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326** stand fulfilled, the petitioners are entitled to have certificates of validity co-terminus with the validities in the family.

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 05.09.2024 passed by respondent No.2 – Scrutiny Committee is quashed and set aside.
- iii. 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 at Pune and petitioner Nos.2 and 3 are also in need of certificates 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 proforma.

- iv. The validities shall be co-terminus with the validities of the earlier validity holders.
- v. The petitioners shall not claim equities.
- 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]
JUDGE

[MANGESH S. PATIL]
JUDGE

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