



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

WRIT PETITION NO. 9966 OF 2024

RAJESH SADASHIV MANDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. R.S. Wani

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

DATE : 12 SEPTEMBER 2024

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

. Heard both the sides finally considering the urgency expressed by the petitioner.

2. The petitioner is challenging the judgment and order dated 05.09.2024 passed by the Scrutiny Committee, confiscating and invalidating his tribe certificate of Koli Mahadev scheduled tribe. He relies on the validity certificates of Rani Sambhaji Mande, Prashant Sambhaji Mande and Anant Mande. It is submitted that Rani and Prashant were issued with validity certificates pursuant to the order of High Court. The petitioner claims validity on the ground of parity.

3. Learned AGP would oppose the submission of the petitioner. He would submit that the school record of Sambhaji was incompatible with the tribe claim. The Committee discovered tampering of the school record of blood relatives of the petitioner. Earlier validity holder – Anant was issued with validity certificate by suppressing

material facts. The Committee has issued show cause notices to earlier validity holders. Therefore, the petitioner is not entitled to receive the validity certificate.

4. We have considered the rival submissions of the parties. We have gone through the genealogy which shows relationship of the petitioner with earlier validity holders. It is not doubted by the Committee and the learned AGP. Rani was issued with a validity certificate conditionally pursuant to the order dated 05.07.2018 passed in Writ Petition No.7462/2018. Her brother was also issued with validity certificate by order dated 01.10.2018 in Writ Petition No.10782/2018. These validities were issued after following due process of law. The petitioner is entitled to derive their benefit.

5. The Committee has decided to reopen earlier validity certificates. It is imperative for the Committee to undertake inquiry to find out if those were obtained by fraud by considering incompatible or tampered school record. At this juncture, it is not permissible for us to comment on earlier validity certificates. Suffice to observe that till those are intact, the petitioner is entitled to receive a validity certificate.

6. The petitioner is ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. He is entitled to receive conditional validity. We, therefore pass following order :

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 is required to submit the certificates of validity to secure admission within stipulated period, 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 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, J.]

[MANGESH S. PATIL, J.]

Najeeb..