



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO. 9240 OF 2019**

Saiprasad S/o Bapurao Kore,  
Age : 20 years, Occu : Education,  
R/o. Padma Nagar, Latur,  
Tq. & Dist. Latur

.. Petitioner

**Versus**

1] Director of Medical Education & Research,  
CET Cell, Opp. Government Dental College  
& Hospital Building, St. George's Hospital  
Compound, Near CST Railway Station,  
Mumbai – 400 001.

2] State Common Entrance Test Cell,  
Maharashtra, Mumbai  
8<sup>th</sup> Floor, New Excelsior,  
A.K. Nayak Marg, Fort, Mumbai  
through its Commissioner and  
Competent Authority

3] Scheduled Tribe Certificate  
Scrutiny Committee,  
Aurangabad Region, Aurangabad,  
Plot No. 10, E-9, Opposite  
CIDCO Bus Stand, Tow Center,  
Aurangabad Dist. Aurangabad,  
through its Member Secretary

.. Respondents

**WITH**  
**WRIT PETITION NO. 11043 OF 2018**

Bapu Manik Kore,  
Age : 43 years, Occu : Service,  
R/o. Padma Nagar, Latur,  
Tq. & Dist. Latur

.. Petitioner

**Versus**

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

2] Scheduled Tribe Certificate  
Scrutiny Committee,  
Aurangabad Dist. Aurangabad  
Through its Member Secretary

3] Shri Marwadi Rajasthan Vidhyalay  
Latur, Tq. & Dist. Latur,  
Through its Headmaster

.. Respondents

...  
Advocate for petitioners in both WPs : Mr. Mahesh S. Deshmukh  
i/by Mr. Sagar S. Phatale  
AGP for the respondent – State : Mr. R.S. Wani  
Advocate for respondent no. 2 : Mr. S.G. Karlekar (WP/9240/2019)  
Advocate for respondent no. 3 : Mr. Sanket Jadhav h/f. Smt. Anjali Dube  
(WP/11043/2018)  
...

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

**DATE : 26 JULY 2024**

**ORDER (MANGESH S. PATIL, J.) :**

These are the petitions by father and son putting up challenge to the orders of invalidation passed by the respondent - scrutiny committee in a proceeding under section 7 of the Maharashtra Act No. XXIII of 2001, thereby refusing to validate their 'Koli Mahadev' scheduled tribe certificates and directing their confiscation and cancellation.

2. We have heard both the sides.

3. Though there is some chequered history, the bottom line is the fact that though father's petition has been pending, petition of only the son was heard, since he was relying upon a document which was

in Urdu and was purportedly in respect of some record of the Court of Judicial Magistrate, Gulbarga (Karnataka), this Court had allowed the son's petition partly and had remanded the matter to the scrutiny committee for decision afresh by undertaking verification of genuineness of that Urdu document.

4. Pursuant to such order of remand, the committee again decided the matter but stating that it could not undertake verification due to the fact that short time was available with it. Again, the son had approached this Court and the matter was once again remanded to the scrutiny committee for considering the same Urdu record by undertaking scrutiny. Aggrieved by such order of remand dated 06-08-2019, the son approached the Supreme Court in Petition for Special Leave to Appeal (C) no. 20423 of 2019. By order dated 11-09-2019, the Supreme Court quashed and set aside the order of this Court dated 06-08-2019 and directed the son's petition to be heard along with the father's petition. This is how we are now called upon to decide these writ petitions.

5. It transpires that pursuant to the latest order of remand, the scrutiny committee indulged in some correspondence with the concerned Court of Civil Judge Junior Division and Judicial Magistrate First Class, Kalaburagi and even it was responded to by the learned Judge, by his communication dated 02-08-2019. It is evident from the

order of the Supreme Court that this circumstance was not brought to its notice. Be that as it may, one cannot lose sight of the fact that it is a matter of social status of the petitioners. They are aggrieved by confiscation and cancellation of their tribe certificates. As is evident from the above mentioned facts, this Court had already recorded the observation, not once but twice, indicating the importance of such Urdu document stated to be a record of the Court from Kalaburagi. The response received by the scrutiny committee from the concerned Court will have to be considered by the committee again and decide the petitioners' matters once again since both of them have been relying upon that Urdu document purportedly issued by the Court of Judicial Magistrate.

6. Faced with such an unprecedented situation, the learned advocate for the petitioners and even the learned AGP unanimously submit that considering the importance of the Urdu document, it would be appropriate that both the matters are remanded to the scrutiny committee for decision afresh with a precise direction to undertake scrutiny of the Urdu document being relied upon by the petitioners. They would also submit that even the committee can be extended sufficient time to undertake fresh scrutiny. They would submit that even the petitioners can be allowed to lead additional material, if they so choose. They, therefore, request that the matters may be remanded

by stipulating some reasonable time for the committee to decide the matters afresh.

7. In the light of above state of affairs, and the joint request of the parties, both the writ petitions are allowed partly.

8. The impugned orders are quashed and set aside.

9. The scrutiny committee shall decide the proposals of both the petitioners afresh as expeditiously as possible and in any case within 12 weeks. The committee shall permit the petitioners to lead additional evidence and may undertake a fresh scrutiny. The committee may conduct vigilance enquiry in respect of Gulbarga Court record in CC No: 387 / 1356 Fasli.

10. The petitioners shall appear before the respondent - scrutiny committee on 12 August 2024.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**

arp/