



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10838 OF 2024

NITIN KAILAS BHOTKAR

VERSUS

1. THE STATE OF MAHARASHTRA TRIBAL DEVELOPMENT
DEPARTMENT MANTRALAYA MUMBAI – 32 THROUGH ITS SECRETARY
2. THE SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
AURANGABAD THR. ITS JOINT COMMISSIONER

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Advocate for the Petitioner : Mr. Boinwad Omgashad B. and
Mr. Yogesh R. Suradkar

AGP for Respondents: Ms. S.S. Joshi

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

DATE : 15.10.2024

PER COURT (PER : SHAILESH P. BRAHME, J.) :

Heard both the sides considering the exigency in the matter.

2. This petition is directed against the judgment and order dated 18.09.2024 rejecting tribe claim of the petitioner. He is relying on the validities issued to his blood relatives namely Sunil Namdeo Bhotkar, Anilkumar @ Anil Mahatarji Bhotkar, Manoj Shivram Bhotkar, Ajay Ramkrushna Bhotkar, Abhishek Ramkrushna Bhotkar and many others. For that purpose he placed a genealogy on record at (page no. 41).

3. It is submitted that the selfsame record has already been scrutinized and unless the earlier certificates are revoked, the petitioner cannot be deprived of social status. The petitioner is ready to face the

consequence in view of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;**WP No.6320/2017.

4. Learned AGP supports the impugned judgment and order. It is submitted that in view of the incompatible school record, the committee has rightly discarded the validities issued in the family. The Committee has issued show cause notices to the earlier validity holders. It is not desirable to grant any discretionary relief in favour of the petitioner on the ground of parity.

5. We have considered the rival submissions of the parties. There are numerous validities issued to the blood relatives of the petitioner. We have gone through the genealogy which is placed on record. The validity holders can be figured out in the genealogy. The relationship of the petitioner with the validity holders has not been disputed.

6. Ghanshayam Janardhan Bhotkar is issued with validity certificate in pursuance of our order dated 18.08.2023 in WP No.10164/2023. Thereafter Ajay and Abhishek are issued with validity certificates by our bench on 12.10.2023. Sunil, Anilkumar and Manoj are issued with validity certificates by the coordinate bench of this Court by order dated 17.10.2023.

7. Pertinently, the petitioner is relying on validity certificates issued by the Committee to Sukhdeve and Ramkrushna. Ajay and Abhishek are the sons of Ramkrushna. If this is the scenario, the

petitioner is also entitled to receive the validity certificate on the ground of parity.

8. The Committee would be at liberty to consider the incompatible school record which is shown by learned AGP.

9. It is desirable to issue the validity certificate to the petitioner as he is ready to run the risk in view of **Shweta Balaji Isankar** (supra). In view of the above, we find that the impugned judgment and order, is unsustainable and liable to be quashed and set aside. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 18.09.2024 passed by the Scrutiny Committee, is quashed and set aside.
- iii. The respondent No.2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Koli Malhar’ scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final out come of the matters which the committee has decided to re-open.
- iv. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)