



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10804 OF 2024

Arjunkumar Yeduba Jadhav

... PETITIONER

VERSUS

1. The State of Maharashtra
through it's Secretary
Tribal Development Department
Mantralaya, Mumbai - 32

2. The Scheduled Tribe Certificate
Scrutiny Committee Region Chhatrapati Sambhajinagar
Chhatrapati Sambhajinagar
through its Deputy Director (R)

... RESPONDENTS

...
Advocate for petitioner : Mr. Pratap V. Jadhavar
AGP for respondent Nos.1 and 2 : Mr. V.M. Chate
...

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

DATE : 04.10.2024

ORDER (MANGESH S. PATIL, J.) :

The petitioner is seeking exception to the impugned judgment and order of the respondent No.2 – Scrutiny Committee dated 18.09.2024, whereby, it has confiscated and cancelled his 'Koli Malhar' scheduled tribe certificate.

2. In the light of urgency, the matter is heard finally at the stage of admission with the consent of both the sides.

3. The committee has discarded the petitioner's claim on merits

by referring to couple of contrary entries of cousin uncle Manik Sarjuba Jadhav dated 22.06.1981 and father Yeduba Sampat Jadhav dated 29.08.1994, wherein, the committee has opined that the original entry in the caste column of the school record as 'Koli' have been subsequently manipulated by adding word 'Malhar' at a later point of time. Even while refusing to extend benefit of earlier validity certificate of one Ragho Bhimrao Jadhav was also a second degree paternal uncle who had received it on 26.03.2010, again by referring to these two contrary entries. Three other entries of 'Koli' of the year 1965 and 1975 have also been relied upon to castigate the earlier validity holder Ragho Bhimrao Jadhav of practising fraud by concealing such contrary entries.

4. Indeed allegations of fraud are serious and the committee will have to take it to the logical end by undertaking due process. We do not think it appropriate to deal with and scrutinize these observations of the committee touching alleged fraud as we do not intend to influence its decision if and when it undertakes to recall Ragho Bhimrao Jadhav's validity. He is not before us and we do not intend to cause any prejudice to his cause. Obviously, however, petitioner can be extended the benefit of Ragho's validity by applying the parameters laid down in **Maharashtra Adiwasni Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326.**

5. The original file of Sachin Ragho Jadhav has been made available to us by the learned AGP. We could go through it. A vigilance

inquiry was conducted, statements were recorded and by a reasoned order he was held entitled to have a certificate of validity. Even a school record of his father Ragho of 05.07.1954, wherein, he was described as 'Koli Malhar' was referred to and based thereon he was held entitled to have a certificate of validity. Pertinently, even a contrary record in the form of school register entry of his father was considered and still he was held entitled to have a certificate of validity by a speaking order dated 29.12.2008. Pertinently, the validity holder about which comments have been made in the impugned judgment and order Shri Ragho Bhimrao Jadhav is the father of Sachin and the son had obtained the validity in the year 2008 and it is thereafter that father has obtained the certificate in the year 2010. Whether it is some error or otherwise that we cannot comment but the fact remains that there cannot be a dispute about Sachin being a blood relative of the petitioner and was issued with a certificate of validity by a speaking order, a due process of law was followed and the petitioner is entitled to derive its benefit.

6. The writ petitions are partly allowed.
7. The impugned judgment and order dated 18.09.2024 passed by the respondent No.2/Scrutiny Committee is quashed and set aside.
8. The respondent No.2/Scrutiny Committee shall issue caste validity certificate to the petitioner as belonging to 'Koli Malhar' scheduled tribe immediately in the prescribed proforma.
9. The validity certificate of the petitioner shall be subject to

outcome of the reverification undertaken by the respondent/scrutiny committee of the validity holder.

10. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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