



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.12735 OF 2023**

Pranadeep Hanumantrao Aelkatwad,
Age: 33 years, Occ.: Student,
R/o. Tirupatinagar, Sai Road,
Arvi, Tq. & Dist. Latur.

..Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32,
2. The Scheduled Tribe Certificate Verification Committee,
Kinwat Headquartered, at Aurangabad, through
its Member Secretary.
3. Swami Ramanand Teerth Marathwada University,
Nanded-431606,
Through its Registrar.
4. M. S. Bidve Engineering College,
Barshi Road, Latur, Through it's Director,
PO Box No.112, Barshi Road, Latur-413531 ..Respondents.

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Mr. O. B. Boinwad, Advocate for the Petitioner.
Mr. N. S. Tekale, AGP for Respondent Nos.1 and 2.
Mr. U. S. Malte, Advocate for Respondent No.3.

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**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.
DATED : 02nd FEBRUARY, 2024.**

JUDGMENT (Per: S. G. Chapalgaonkar, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, matter is taken up for final hearing at the stage of admission.
2. The petitioner approaches this Court under Article 226 of the Constitution of India thereby impugning order dated 08.09.2023 passed by respondent no.2-Scheduled Tribe Certificate Verification

Committee, Kinwat thereby invalidating caste claim of the petitioner as belonging to '*Koli Mahadev*', Scheduled Tribe.

3. Mr. Boinwad, learned Advocate appearing for the petitioner submits that the petitioner was prosecuting his B.Tech. Electrical. He has been conferred with the caste certificate issued by the competent authority as belonging to '*Koli Mahadev*', Scheduled Tribe. The proposal for verification of his caste claim was forwarded to the Scrutiny Committee. It was supported by the validity certificate granted in favour of petitioner's brother namely Abhijeet Hanumantrao Aelkatwad and other revenue documents. He would further submits that another blood relatives namely Shashikant Khanderao Aelkatwad and Sangita Khanderao Aelkatwad i.e. cousin brother and sister of the petitioner have been already conferred with the caste validity certificate of '*Koli Mahadev*', Scheduled Tribe. During the proceeding for caste verification of the petitioner, the Committee was pleased to solicit vigilance report. However, the caste claim of the petitioner came to be erroneously invalidated by the impugned order dated 08.09.2023.

4. Mr. Tekale, learned AGP for respondent nos.1 and 2 as well as Mr. Malte, learned Advocate appearing for respondent no.3 vehemently opposes the petition and supports the impugned order of scrutiny committee. He would submit that the Committee considered entire evidence tendered into service by the petitioner and noted that the caste validity granted in favour of the blood relation of the petitioner were unacceptable since while obtaining those validity many contra entries were not brought to the notice of the Committee. The caste validity was granted to Dashrath Raghunath Aelkatwad relying upon the validity granted to persons, who were not blood relatives of the petitioner. Similarly, caste validity has been granted to Abhijeet Hanumantrao Aelkatwad during the regime of Mr. V. S. Patil, Assistant

Commissioner, who passed cyclostyle orders without following due process of law. The Government has taken decision to review all such caste validity certificates issued during his regime.

5. We have considered submissions advanced by the learned Advocates appearing for the respective parties. We have perused original record received from the Committee. On perusal of the material, we find that the real brother of the petitioner namely Abhijeet Hanumantrao Aelkatwad, cousin Shashikant Khanderao Aelkatwad, second cousin Dashrath Raghunath Aelkatwad are holding validity certificates as belonging to '*Koli Mahadev*', Scheduled Tribe. Apart from the aforesaid document the petitioner has placed on record pre-Constitutional document i.e. birth entry of Raghunath Khanderao Aelkatwad certified by Sarpanch of Grampanchayat. The petitioner has also filed on record copy of Census Register of 1951 depicting entry in the name of blood relatives Narsinh Khandu, Prayagabai Khandu, Sundarabai Narsinh and Khanderao Narsinh at village Ismailpur, Taluka Parbhani, wherein caste is recorded as '*Koli Mahadev*', Scheduled Tribe.

6. On perusal of the reasoning adopted by the Committee, there appears no dispute as regards to the genealogy. However, the Committee discarded the validity granted in favour of Abhijeet Hanumantrao Aelkatwad, Shashikant Khanderao Aelkatwad and Dashrath Ragunath Aelkatwad. The committee observed that initially the validity was granted in favour of the Dashrath Raghunath Aelkatwad on the basis of certificate of validity granted to the Dattatraya Pralhad Karlewad and Mahipati Narayan Dombulwad, who are not his blood relatives. So far as validity granted in favour of Abhijeet Hanumantrao Aelkatwad and Shashikant Khanderao Aelkatwad is concerned, the Committee observed that those were

granted during the regime of Mr. V. S. Patil, Assistant Commissioner without following due process of law.

7. We find that the Committee discarded the documents like census register of 1951 and birth entry certificates issued in favour of the father and cousin grandfather of the petitioner observing that the Village Panchayat was not authorized to record such entries and such evidence has been generated. So far as the census entry of 1951 is concerned, the Committee has simply observed that the benefit is sought to be taken on the basis of similarity in the names appearing in the record.

8. We find that aforesaid observations of the Committee are nothing more than surmise. If the Committee had any doubt as regards to the aforesaid documents, the report of vigilance could have been solicited. We do not find any such report was called or referred by the Committee in the impugned order. The entry of 1951 in the National Census record or the entry with the Village Panchayat during the pre-Constitutional period may constitute evidence of better probative value. It was for the Committee to record its finding only after obtaining requisite confirmatory material. Further we find that validity granted in favour of Abhijeet Hanumantrao Aelkatwad and Shashikant Khanderao Aelkatwad could not have been discarded only because those were granted by the Committee headed by Mr. V. S. Patil, Assistant Commissioner. The Committee ought to have taken survey of the entire material in those files before forming any opinion.

9. For the aforesaid reasons, we are of the considered opinion that the order passed by the Committee is bereft of the requisite reasons and consideration. Hence, we deem it appropriate to remand

the matter for fresh consideration before the Committee. Therefore, we proceed to pass following order:-

ORDER

- a. Writ Petition is partly allowed.
- b. The impugned order dated 08.09.2023 passed by respondent no.2-Scheduled Tribe Certificate Verification Committee, Kinwat is hereby quashed and set aside.
- c. The matter is remitted back to the Committee for fresh consideration. The petitioner would be entitled to furnish additional documents, if any. The Committee shall re-examine the documents relied upon by the petitioner and call vigilance inquiry report, if necessary. The Committee shall also re-consider the documents available in the files of Abhijeet Hanumantrao Aelkatwad and Shashikant Khanderao Aelkatwad and then pass fresh order in accordance with law.
- d. We expect that the Committee would decide the caste claim of the petitioner as expeditiously as possible and in any case, within a period of one year from the date of appearance of the petitioner.
- e. The petitioner shall appear before the Committee on 28th February 2024 alongwith additional documents, if any. The Committee shall fix further date of hearing.
- f. Writ Petition is disposed of.
- g. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE