



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

WRIT PETITION NO. 12688 OF 2023

Rohit Ranjit Patil and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioners.
Shri P. P. Dawalkar, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 22 JULY 2024.

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

. Heard both sides finally.

2. Petitioners are siblings and they are challenging common judgment and order dated 28.09.2023 passed by the respondent No. 2/Scrutiny Committee invalidating and confiscating the tribe certificates of 'Koli Mahadev' (Scheduled Tribe).

3. Learned counsel for the petitioners submits that they are relying upon validity certificates of their father Ranjit and real uncles Prashant, Jivan and Arvind and cousins Suchita, Savita, Asha and Prasad. The validity certificates are reliable and were issued after considering self same record. It is submitted that impugned judgment and order is unsustainable.

4. Per contra, learned Assistant Government Pleader would oppose the submissions of the petitioners. He would submit that the Committee has also proposed to undertake reverification and show cause notices have already been issued. He would submit that Committee has taken plausible and reasonable view after considering material on record in rejecting the caste claim.

5. We have considered submissions of the parties. We have gone through the genealogy and it is noticed that in all seven persons of family are supporting tribe claims of the petitioners being validity holders. Ranjit Narayan Birajdar (Patil) is father of the petitioners, who was issued with the validity certificate after conducting vigilance enquiry and by a reasoned order. We do not see any reason to discard his validity.

6. Interestingly, it is recorded in the order of the Scrutiny Committee in the matter of Ranjit Narayan Birajdar that Committee had granted validity certificate to Prashant, Jivan and Suchita. They were issued with the show cause notices. Committee found their reply satisfactory. Learned A. G. P. on instructions would accept this position. The reverification proposed by committee failed. Therefore, we are of the considered view that the petitioners are entitled to receive validity certificates unconditionally.

7. Impugned judgment and order is unsustainable and following order is passed :

ORDER

(I) Writ petition is allowed.

(II) Impugned common judgment and order dated 28.09.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

(III) The respondent No. 2/Scrutiny Committee shall issue validity certificates to the petitioners of 'Koli Mahadev' (Scheduled Tribe) immediately.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24