



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

Writ Petition No. 14018 OF 2023

1. Sujeet s/o Ashok Bhojraj
Age : 23 years, Occ. Student,
2. Nikita d/o Ashok Bhojraj
Age : 25 years, Occ. Student,
3. Rupesh s/o Narayan Bhojraj
Age : 29 years, Occ. Student,
All R/o : Kuntur, Tq. Naigaon (Khai),
Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Verification
Committee, Kinwat Headquartered at
Aurangabad, through its
Member Secretary

...Respondents

— — —
Mr. Mahesh S. Deshmukh i/by Mr. O.B. Boinwad, Advocate
for the Petitioners.

Ms. V.N. Patil-Jadhav, AGP for Respondent/State.

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

DATE : 07 OCTOBER 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides finally considering exigency in the
matter.

2. The petitioners are siblings whose tribe certificates are invalidated by common judgment and order dated 05.10.2023 which is under challenge. Learned Counsel for the petitioners submits that after following due procedure of law, petitioners' father – Ashok was issued with validity certificate. There is old record of petitioners' father and Fasli record in urdu script of their grandfather to corroborate their claim.

3. Learned AGP supports the impugned judgment and order. He tenders on record original papers of the petitioners. He would submit that Fasli record of petitioners' grandfather is suspicious and rightly discarded by the Committee. It is further submitted that incompatible school record of petitioners' uncle, aunt and father were traced out. Their father was issued with validity certificate, suppressing material facts and relying on the validities of those who were not the blood relatives. Therefore, the Committee has rightly rejected validity of the petitioners' father.

4. In case of petitioners' father, vigilance inquiry was conducted. It reveals that his school entry and his father's school entry were verified and found to be genuine. The affinity test was recorded in favour of his father. Thereafter by a reasoned order, the validity certificate was issued by the Committee. Apparently, we find that due procedure was followed while issuing validity to father. Unless such validity is revoked, the petitioners cannot be denied its benefits.

5. It appears from the original papers that old school record of petitioners' grandfather – Narsingh Nagoba of 1335 Fasli was subjected to verification in the vigilance of his father. The translated copy is placed on record. No endeavour has been made to secure certified copy of the extract of the school register. It is not permissible to discard the old record without conducting due verification. This school record supports the petitioners' case.

6. Learned AGP has pointed out photocopies of various incompatible school record of the blood relatives of the petitioners. The Committee has issued show cause notice to petitioners' father. Now it is up to the Committee to undertake reverification and to look into incompatible school record.

7. The petitioners are ready to run risk in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. It is desirable to issue them validity certificates conditionally. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 05.10.2023 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificates of 'Koli Mahadev' scheduled tribe to the petitioners forthwith. The same shall be subject to the

final outcome of re-verification proposed by the Scrutiny Committee.

- d. The petitioners shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE