



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

WRIT PETITION NO. 11620 OF 2017

Pravin Dattatraya Watmare
Age : 42 years, Occ : Service,
R/o, Nevasa (kh), Tq. Nevasa,
Dist. Ahmednagar.

...Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Nashik.
Through its Member Secretary
2. Education Officer (Secondary),
Zilla Parishad, Ahmednagar
3. Shri. Marutirao Ghule Patil's Shikshan Sanstha,
Dnyaneshwar Nagar, Post Bhende, Tq. Nevasa,
Dist. Ahmednagar.
Through its Secretary
4. Jijamata Madhyamik Vidyalaya,
Dnyaneshwar Nagar,
Post Bhende, Tq. Nevasa,
Dist. Ahmednagar.
Through its Head Master

...Respondents

**WITH
WRIT PETITION NO. 11621 OF 2017**

Arvind Dattatraya Watmare
Age : 44 years, Occ : Service,
R/o, Nevasa (kh), Tq. Nevasa,
Dist. Ahmednagar.

...Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Committee,
Nashik.
Through its Member Secretary
2. Municipal Corporation
Pimpri Chinchwad – 411018,
Pune.
Through its Commissioner

3. Administrative Officer,
Municipal Corporation
Pimpri Chinchwad – 411018,
Pune.

...Respondents

...

- **Mr. Ameya Sabnis and Mr. G. S. Bagul**, *advocates for petitioner in both writ petitions.*
- **Ms. S. S. Joshi**, *AGP for respondent No. 1 and 2 in WP No. 11620 of 2017 and for respondent No. 1 in WP No. 11621 of 2017.*

...

CORAM : **MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.**

DATE : **19.03.2025**

ORDER (MANGESH S. PATIL, J.) :

. By way of these separate writ petitions, the real brothers are challenging the common judgment and order dated 25.05.2017 of respondent – Scrutiny Committee, in a proceeding under Section 7 of the Maharashtra Act No. XXIII of 2001, whereby it has refused to validate their '*Koli Mahadev*' scheduled tribe certificates.

2. Rule. It is made returnable forthwith.

3. Learned AGP waives service. At the joint request of the parties, the matters are heard together and are being disposed of finally at the stage of admission by this common order.

4. Learned advocate for the petitioner submits that the committee has not appreciated the evidence correctly, even it has ignored validities in the family which were issued by following due process of law.

The committee has reached a jumping conclusion by reproducing the genealogies, one presented by the petitioners and the other submitted by validity holder – *Sachin Bhanudas Watmare* in his own matter. There is apparent mistake and a human error. The inference drawn by the committee entertaining doubt about relationship of the petitioners with *Sachin*, is based on surmises and conjunctures. The committee has blown hot and cold simultaneously. Even when the committee is refusing to consider *Sachin* as related to the petitioners by blood, simultaneously, it has refuted the petitioners' claim by using a contrary record of *Sachin's* father *Bhanudas* and *Sachin's* first degree cousin *Vasant Ramdas Watmare*. If the committee was to proceed disputing the relationship, it could not have used the contrary record of *Bhanudas* and *Vasant*. He would submit that in fact *Sachin* has filed an affidavit in support of petitioners' claim and has given a corrected and extended genealogy. The committee has not assigned cogent and plausible reasons for not relying upon *Sachin's* affidavit as also similar affidavits of his brothers who are also validity certificate holders. The observations and the conclusions are perverse and arbitrary and the impugned order be quashed and set aside.

5. Per contra, Miss Joshi, the learned AGP would emphasize on the apparent incompatibility of the genealogies reproduced in the impugned order, one furnished by the petitioners and the other by *Sachin* in his own matter. She would also submit that each case has to be decided

on its own merits and the evidence led before the committee. The petitioners are not entitled to derive the benefit of *Sachin's* validity. She, therefore, prayed to dismiss the petition.

6. Additionally, Mr. Sabnis learned advocate for the petitioners submits that apart from *Sachin*, his real brother *Dattatray*, his second degree cousin *Yashwant*, *Yashwant's* daughter *Anajali* have been issued with certificates of validity. In fact, *Anjali* has been held entitled to have a certificate of validity by the order of this Court in writ petition No. 8276 of 2020 decided on 21.12.2020.

7. We have considered the rival submissions and perused the original record of the scrutiny committee, not only of the petitioners but even that of *Sachin*, his father *Bhanudas*, *Yashwant Ramdas Watmare* and that of *Anajali Yashwant Watmare*.

8. True it is that in the matter of *Sachin* he had submitted a genealogy, which is reproduced by the committee in the impugned order. If that genealogy is considered in juxtaposition to genealogy furnished by the petitioners in form 'F', both to some extent are not compatible inasmuch as, *Sachin* had shown a branch of *Rama Watmare* having two sons *Shankar Rama Watmare* and *Prabhu Rama Watmare*, whereas in the genealogy furnished by the petitioners in form 'F' and even in the genealogy furnished by *Sachin* on his affidavit filed in petitioner's matter in their support and even by *Arvind Dattatray Watmare*, who is a validity

holder, one *Rakhama* has been shown to be the common ancestor survived by two sons *Balu* and *Rama*. *Rama* is shown to have two sons *Shankar* and *Prabhakar* whereas in form 'F' the petitioners have shown *Balu* to be the common ancestor having two sons *Shankar* and *Sakharam* and *Shankar* is shown to have son *Ramdas* and *Prabhakar*.

9. It is thus apparent that it is a matter of human error. It cannot be said that the two genealogies are wholly incompatible. There are several individuals which are in common. *Ex facie* the only error seems to be that instead of the petitioners had skipped one generation when they ought to show *Rama* to be a brother of *Balu* and *Shankar* and *Prabhakar* being sons of *Rama* erroneously, they have shown that *Shankar* and *Sakharam* as the sons of *Balu* when *Sakharam* was alone was *Balu's* son and *Shankar* and *Prabhakar* were the children of *Balu's* brother *Rama*.

10. Pertinently, the genealogy has been prepared by the vigilance officer which has been reproduced in the vigilance report which *ex facie* substantiates the petitioners' claim and pertinently showing the validity holder – *Sachin*, *Dattatray* and *Yashwant* to be related to them by blood.

11. Pertinently, all the validity holders *Sachin Bhanudas Watmare*, *Dattatray Bhanudas Watmare* and *Yashwant Ramdas Watmare* have submitted affidavits supporting petitioners' claim and furnishing the genealogies demonstrating their relationship *inter se*. The committee has

not assigned plausible reason for discarding these affidavits. Its such conduct in our view is perverse and arbitrary.

12. Besides, the approach of the committee in this regard is peculiar. It is not ready to accept *Sachin* to be related to the petitioners by blood from the paternal side but simultaneously it has used the school record of *Sachin's* father *Bhanudas* and cousin *Vasant* and pitted it against the petitioners. If the committee was of the view that there was no relation *inter se*, it could not have legally referred to the record of *Bhanudas* and *Vasant*. Rather, not only in the vigilance report but even in the impugned judgment, the committee has described them as petitioners' cousin uncle and cousin respectively. No plausible explanation is coming forth in the impugned judgment and order.

13. In our considered view, the committee's approach in failing to appreciate the aforementioned facts and circumstances and readily drawing inference because of the incompatibility of the genealogy furnished by the petitioners and by the validity holder - Sachin is clearly perverse and arbitrary.

14. Once having reached this conclusion, in our considered view, following the principle laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioners are entitled to derive the benefits of the validities in the family.

15. Both the writ petitions are allowed. The impugned order is quashed and set aside. The committee shall issue certificates of validity to the petitioners which shall be subject to the final outcome of the validities which the committee has decided to reopen, as recorded by this Court in the order passed in the matter of Anjali d/o. Yashwant Watmare (*Supra*).

16. The petitioners are not entitled to claim equities.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/