



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

WRIT PETITION NO. 10143 OF 2024

Sohan S/o Suryakant Wedulwar,
Age : 19 years, Occu. : Education,
R/o Kasrali, Tq. Biloli,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat
Head Quarter at Chh. Sambhaji Nagar,
Dist. Chh. Sambhaji Nagar.

.. Respondents

Shri S. M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 26 SEPTEMBER 2024.**

JUDGMENT (Per Shailesh P. Brahme, J.) :-

. Rule. Rule is made returnable forthwith. With the consent, heard both the sides finally as the petitioner wants to prosecute further studies on the basis of validity certificate.

2. The petitioner is challenging judgment and order dated 06.09.2024 passed by the respondent No. 2/Scrutiny Committee thereby confiscating and invalidating his tribe certificate of 'Koli

Mahadev' scheduled tribe. He is relying on validity certificate of his father Suryakant Shamrao Wedulwar and aunt Sujata Shamrao Wedulwar.

3. The learned counsel for the petitioner submits that by following due procedure of law validity certificates were issued to his father and aunt and those should not have been discarded by the Committee. The learned counsel further submits that school record of the paternal side relatives to support the tribe claim was available, which was already verified in the case of his father. He should have been issued with the validity certificate on the ground of parity.

4. Per contra, learned Additional Government Pleader supports the impugned judgment and order by tendering on record original papers of earlier validity holders. He would submit that no proper enquiry was conducted when Sujata was issued with the validity certificate, who is the first validity holder. He would point out incompatible school record of Dashrath Sayanna of 1958 and school entry of Shamrao Sayanna of 1962 showing tampering of record. Considering these old entries, the Committee has rightly rejected the tribe claim. He would further point out that the say filed by the petitioner to the vigilance report was found to be unsatisfactory. No benefit on the ground of parity can be given to the petitioner.

5. We have considered rival submissions of the parties. With their assistance we have gone through the original papers of

earlier validity holders. Though initially petitioner relied on validities of his father and aunt, during the vigilance, validities of Sunil Shamrao and Anuradha Shamrao were traced out. The petitioner relied on the school entries of his blood relatives in which entry of his father of 1984 is the oldest favourable one.

6. The petitioner's father Suryakant and his aunt Sujata are the validity holders. They were issued with the validity certificates simultaneously by distinct orders dated 06.01.2011. The self same record was considered for granting them validity by the then scrutiny committee. They had relied on validity certificate of Eknathrao Mudiraj, who happened to be their maternal uncle. The vigilance reports in their matters reveal that the oldest document was of their father Shamrao Sayanna Wedulwar of 05.08.1953, but the caste column was blank. The other school record which was verified, was of the claimants themselves and their siblings. In case of aunt - Sujata the Committee considered only two documents, one is the validity certificate of Uttam, maternal uncle and record of Piraji Dharmaji of 1348 Fasli. In both the matters the oldest record of Piraji Dharmaji of Fasli 1348 was considered.

7. The old Fasli record of proceedings before Judicial Magistrate First Class, Udgir, Dist. Latur indicated caste as Mahadev Koli against great grandfather of the petitioner. However, the record has been disbelieved considering the report submitted by the Principal District Judge, Latur, of an inquiry conducted by him in pursuance of the order of the High Court in

the matter of Kum. Balika Dagadu Patakrao Vs. State of Maharashtra. It was reported to be bogus and manipulated record. We do not find any perversity or illegality in the finding recorded by the Committee for disbelieving the Fasli record.

8. The petitioner is relying on the validity of his father. The oldest favourable record pressed into service is that of school entry of father of 1984. No other record corroborating the tribe claim was produced by the petitioner. During vigilance enquiry the school record of Dashrath Sayanna indicating caste as 'Koli' of 19.08.1958 and that of Shamrao Sayanna showing him as well as 'Koli' of 01.01.1962 were found. The reply of the petitioner was solicited on the vigilance report. The contrary entries have not been disputed by the petitioner in the reply. We do not find any reasonable explanation to discard the incompatible school record which is older than the record pressed into service by the petitioner. Considering the probative value, the committee has not committed any mistake in appreciating the contrary entries.

9. In case of petitioner's father and aunt, incompatible school record of Dashrath Sayanna and Shamrao Sayanna was not before the Committee. The reasoning recorded by the committee in their matter while granting them validity was silent on the part of the Fasli record of 1938 of Piraji. Therefore, we are of the considered view that their validities would not be helpful to the petitioner.

10. For the reasons stated above, we do not find any perversity

or illegality in the judgment and order passed by the Scrutiny Committee. A reasonable and possible view has been taken by the Committee. There is no merit in the petition.

11. The writ petition is dismissed. Rule is discharged.

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

bsb / Sept. 24