

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO. 1129 OF 2022

SUNANDA DIGAMBAR MACHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Madhur A. Golegaonkar
AGP for Respondents: Mr. S.K. Tambe

...
CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 24th JANUARY, 2022

PER COURT :-

1. The Tribe claim of the petitioner as 'Koli Mahadev' Scheduled Tribe is invalidated.
2. Amongst other submissions, Mr. Golegaonkar, learned counsel for the petitioner submits that real sister of the petitioner, namely, Sneha d/o Digambar Machewad had applied for the validity certificate of 'Koli Mahadev'. The said claim was invalidated by the Scrutiny Committee. She filed Writ Petition No. 10349 of 2017 before the Principal Seat at Bombay. The Division Bench at Principal Seat under Judgment and order dated 3rd October, 2017 in Writ Petition No. 10349 of 2017 directed the Committee to issue validity certificate to Sneha d/o Digambar Machewad.
3. Another real sister of petitioner, namely, Sandhya D/o Digambar Machewad had also applied for validity certificate. Her claim was also invalidated by the Scrutiny Committee. She filed writ petition No. 7227 of 2019 before this Court. The Division Bench of this Court under Judgment and order dated 26th June, 2019 allowed the said Writ Petition and directed the Committee to issue validity certificate to her.

4. We have heard learned AGP for the respondents. He relies on some contra entries. However, he does not dispute the relationship of the petitioner with Sneha and Sandhya, that of real sisters. In view of the Judgment delivered by the Division Bench at Principal Seat in Writ Petition No. 10349 of 2017 dated 3rd October, 2017 and another Judgment in writ petition No. 7227 of 2019, dated 26th June, 2019, we follow the same course and pass the following order.

ORDER

(i) The impugned Judgment and order passed by the Committee is quashed and set aside.

(ii) The Committee shall issue validity certificate to the petitioner of 'Koli Mahadev' (Scheduled Tribe) immediately, considering the fact that the petitioner is seeking admission in the professional course. In case the Committee decides to review the order passed in Writ Petition No. 10349 of 2017 dated 3rd October, 2017 and in case said Judgment is reviewed by this Court then the Committee may move in the case of the present petitioner also.

5. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE