

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9300 OF 2018

Kalyani Sunil Sisodiya Through
Her Father

..Petitioner

V/s.
State of Maharashtra through its
Secretary and Ors.

..Respondents

Mr. R. K. Mendadkar a/w. Mr. C. K. Bhangoji for the Petitioner.
Mrs. S. S. Bhende, AGP for the Respondent-State.

**CORAM : SUNIL B. SHUKRE AND
AMIT BORKAR, JJ.**

DATE : 15 FEBRUARY 2022.

P. C.

Heard. Rule. Learned AGP waives service. By consent, the Rule is made returnable forthwith. The writ petition is taken up for hearing and final disposal, by consent and on the request of learned counsel.

2. Learned counsel for the Petitioner has drawn our attention to five validity certificates granted to different members of immediate and extended family of the Petitioner from the

paternal side. We have gone through them and we find that these validity certificates had indeed been granted to the relatives of the Petitioner from the paternal side. The details of the validity certificates are as follows:

Sr. No.	Name of the relative of the Petitioner	Date of validity certificate granted
1.	Sunilkumar Madan Sisodiya, Father	1/8/2021
2.	Saurav Sunil Sisodiya, Real Brother	17/2/2021
3.	Anant Madan Thakur, Real Uncle	14/8/2021
4.	Kum. Dhanashree Anil Sisodiya, Cousin	14/9/2021
5.	Atharva Anant Thakur, Cousin	14/8/2021

3. These validity certificates have a direct bearing on the social status of the Petitioner for the reason that they have been issued to the members of the immediate and extended family of the Petitioner. For this reason it would be necessary for the Scrutiny Committee to reconsider its decision in the light of subsequent developments and also other documentary evidence which is already available before it.

4. In view of the above, we are inclined to allow the petition. The Petition is allowed. The impugned order is hereby

quashed and set aside. The issue is referred back to the Scrutiny Committee for its fresh consideration and decision in accordance with the law. The Petitioner is granted leave to produce before the Scrutiny Committee the validity certificates issued to the family members of the Petitioner during pendency of this petition and which are referred to above and if same are produced before the Scrutiny Committee they shall be considered in accordance with the law. The Scrutiny Committee is directed to decide the tribe claim of the Petitioner afresh in accordance with law and preferably within a period of three months from the date of appearance of the Petitioner. The Petitioner to appear before the Scrutiny Committee on 21/2/2022.

5. Rule is made absolute in the above terms. There shall be no order as to costs. Meanwhile, we direct Respondent Nos.3 and 4 not to take coercive action against the Petitioner in relation to her education which she is pursuing till final decision of the Scrutiny Committee and in case the decision goes against the Petitioner, till further period of 4 weeks from the date of such decision of the Scrutiny Committee.

(AMIT BORKAR, J.)

(SUNIL B. SHUKRE, J.)