

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

WRIT PETITION NO. 693 OF 2022

**ADITI BABURAO YEMALWAD
VERSUS
UNION OF INDIA AND OTHERS**

...
Advocate for Petitioner : Mr. O.B. Boinwad
Advocate for Respondent No. 1 : Mr. B.B. Kulkarni
Advocate for Respondent No. 2 : Mr. A.S. Shinde

...

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

DATE : 04 SEPTEMBER 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard both sides finally at the admission stage.
2. The petitioner is challenging the judgment and order dated 15.12.2021, passed by the Scrutiny Committee, invalidating her tribe claim of 'Koli Mahadev' scheduled tribe and confiscating the tribe certificate. The petitioner is relying upon the validity certificates issued to paternal side relatives which is reflected from genealogy which is at page no. 48. According to her, the validity certificates are reliable and would enure to her benefit.
3. Per contra, learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claim because there are contrary entries indicating caste as Koli. He would submit that the validity certificates are not reliable. The

birth record of Naranrao Mahadu grandfather of the petitioner is suspicious.

4. We have considered the submissions of the learned counsel for the parties. The genealogy is produced by the petitioner on record which is at page no. 48. It reveals from the record that in the matter of Sandesh cousin of the petitioner, there was vigilance enquiry. By reasoned order, a validity certificate was issued to Sandesh. The relevant record was considered by the Scrutiny Committee in his case. The finding recorded by the Scrutiny Committee that validity certificate of Sandesh was founded on the validity certificate of Balaji Ramesh Yemalwad is not complete truth.

5. We have also gone through the reasoned order passed in the matter of Pandurang Mahadu Yemalwad, a validity holder. It reveals that documentary evidence was considered before issuing him the validity certificate. We find that validity certificates of Sandesh and Pandurang were issued by following due procedure of law. The petitioner is entitled to get the validity certificate on the ground of parity but on condition.

6. Learned AGP has informed that the Scrutiny Committee has proposed re-verification. The submissions of learned AGP regarding contrary entries, defective validity certificate of Sandesh, suspicious relationship of the petitioner with the validity holders can be gone into

during the re-verification. At this juncture, we do not prefer to offer any comment upon this submission.

7. We find that impugned judgment and order passed by Scrutiny Committee is unsustainable. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 15.12.2021, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]