

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

WRIT PETITION NO.6234 OF 2021

SAKSHI SUDHAKAR BHISE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Mahesh S. Deshmukh
i/b. Mr. Radhakrushna K Ingole
AGP for Respondents : Mr. A.A. Jagatkar
....

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

DATED : 22 AUGUST, 2023

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

1. Heard both the sides.
2. Aggrieved by the impugned judgment and order dated 28.11.2020, the claimant has filed present petition. She asserts that she has been discriminated despite of validity certificates of paternal side blood relatives to support her claim.
3. Per contra, learned AGP supports impugned judgment and order. According to him, the school record produced by the petitioner is incompatible and the validity certificates are unreliable. He would

urge that the Scrutiny Committee has rightly exercise the jurisdiction considering the available record.

4. Learned AGP has informed us that the Scrutiny Committee has proposed re-verification of validity certificates of the relatives of the petitioner. In support of his submissions, he has placed on record original papers of the petitioner and validity holder Kondiba.

5. Having heard the rival submissions, we notice that the relationship of the petitioner with the validity holders is not disputed. The record of validity holders Madhukar and Kondiba is brought to our notice to buttress that validity certificates were issued to them by following due procedure of law. The reasoned order in case of uncle of the petitioner Madhukar for issuing validity certificate is at Exhibit 'E'. It reveals that relevant record was considered by the Committee. The reasoned order in case of validity holder Kondiba is at Exhibit 'F'. We have no doubt that validity certificates of both the relatives are reliable and they are to enure to the benefit of the petitioner.

6. Learned AGP has strenuously argued that while granting validity certificate of Kondiba, the first validity holder, reliance was

placed upon record of Dadarao. From the record, it is tried to be pointed out that Dadarao was not the relative of the petitioner. We are not persuaded by the submissions of learned AGP. His objections can be gone into by the Committee during the verification. Once there are validity certificates in the family, the repetitive scrutiny of the self same record is impermissible. It is against principles of finality and certainty. In that view of the matter, we hold that the petitioners are entitled to validity certificate conditionally.

7. For the reasons recorded above, we pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall forthwith issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, on a condition that the validity certificates shall be subject to final outcome of the re-verification undertaken by the Scrutiny Committee.

- iv. The certificate of validity shall be issued strictly 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.)

SPC/