

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

WRIT PETITION NO. 6764 OF 2023
WITH
CIVIL APPLICATION NO. 11058 OF 2023

MANJUSHRI D/O. MADHAV KALLEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondent/s : Mr. S.G. Sangale

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

DATED : 01 SEPTEMBER, 2023

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

1. Heard both sides finally.
2. Being aggrieved by the judgment and order dated 08.06.2023, passed by the Scrutiny Committee, invalidating petitioner's tribe certificate for 'Koli Mahadev' scheduled tribe, the present petition is filed. According to the petitioner, in the wake of validity certificates issued to her father and cousin uncles, the Scrutiny Committee has committed perversity.
3. Per contra, learned AGP supports impugned judgment and order. He would submit that there were interpolations in the school record of Madhav and Anil. According to him, Scrutiny Committee

rightly discarded the validity certificates. He has placed on record the papers of first validity holder Hanmant to point out the manipulation in record. He has further informed that the committee has proposed re-verification of validity holders.

4. The original papers of validity holder Hanmant shows that vigilance enquiry was conducted in his matter. A report was submitted followed by speaking order. The adverse record which is referred by learned AGP is already considered by Committee in the case of Hanmant. We find that the validity certificate of Hanmant is reliable and corroborates the claim of the petitioner.

5. The Scrutiny Committee cannot embark an enquiry on self same record and arrive at any contrary conclusion. An apparent error of jurisdiction is committed by the Scrutiny Committee.

6. It is not that the validity certificate was issued to Hanmant only on the basis of validity certificates of Maruti and Bharat. There was other reliable material to support caste claim of Hanmant. Therefore, we have held that the caste certificate of Hanmant is reliable.

7. The Scrutiny Committee has proposed re-verification of

the validity certificates. We are of the considered view that petitioner is entitled to validity certificate conditionally. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 08.06.2023, passed by the Scrutiny Committee is quashed and set aside.
- iii. The Scrutiny Committee shall issue validity certificate to the petitioner for 'Koli Mahadev' scheduled tribe, forthwith.
- iv. The validity certificate shall be subject to outcome of re-verification undertaken by the Scrutiny Committee.
- v. The certificate of validity shall be issued in the prescribed format without incorporating any conditions/additions.
- vi. The petitioner shall not claim any equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/