

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

WRIT PETITION NO. 8373 OF 2018

**MISS. MAYURI D/O. NARAYAN BIRKALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Petitioner : Mr. C.R. Thorat
Addl. G.P. for Respondents : Mr. P.S. Patil

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

DATED : 22 June, 2023

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

1. Heard learned counsel for the parties and taken up for final hearing with their consent.
2. The additional papers are filed by the petitioner in respect of Writ Petition No. 8372 of 2018, in the matter of Miss. Madhu Narayan Birkale Versus State of Maharashtra. The petitioner has placed reliance upon the order passed on 02 February 2023, by this Court in Writ Petition No. 12597 of 2022 in the matter of Sarita Balaji Birkale Versus State of Maharashtra.
3. The petitioner was issued tribe certificate of Mannervarlu by the competent authority. The certificate suffered scrutiny and invalidation by judgment and order dated 30 June 2018. An exception

has been taken to the judgment in the present Writ Petition.

4. The caste claim was invalidated by the impugned judgment for various reasons namely the material produced on record did not support the claim, school entries were doubtful, tampering of record by adding a word, caste validity of Manoj was secured by suppression of facts and vigilance enquiry report was against the petitioner. It was concluded that no case was made out to validate the caste certificate and the information / material produced before the Committee was inconsistent with the claim.

5. Pertinent to note that real sister of the petitioner Miss. Madhu Narayan Birkale had also suffered invalidation of her tribe claim by separate judgment dated 30 June 2018. The reasoning assigned by the Committee was identical to the reasoning impugned in the present petition. They being real sisters, all facts and material are identical.

6. Real sister of the petitioner Madhu had challenged the invalidation by filing Writ Petition No. 8372 of 2018. The Writ Petition was allowed by the Division Bench vide judgment dated 11 April 2022. The submissions of the parties in the present matter are identical with those made in that matter. All aspects of the matter were

considered at length. A reasoned judgment and order was passed covering all aspects of the matter. The judgment of apex Court was considered. The contrary entries, the submissions regarding interpolation were also considered and ultimately rule was made absolute by quashing and setting aside the judgment of the Scrutiny Committee. The petitioner in that matter was held entitled to get validity certificate.

7. Another close parental side blood relative of the petitioner namely Sarita Balaji Birkale was also denied validation of the certificate. She had approached High Court in Writ Petition No. 12597 of 2022. By order dated 02 February 2023, even her petition was allowed and Scrutiny Committee was directed to issue validity certificate. While allowing the petition reliance was placed on the judgment rendered in the case of Miss. Madhu Birkale, referred above.

8. In the wake of two authoritative pronouncements of the High Court in case of Madhu Birkale and Sarita Birkale, referred above, we find no reason for taking any contrary view than taken earlier by co-ordinate benches. In both the judgments entire material was considered, elaborate reasons were assigned and the claims of the petitioners were allowed. Learned AGP did not point out any other

submissions or material which were left to be considered by earlier judgments. In that view of the matter, we allow the Writ Petition by passing following order :

ORDER

- i. The judgment and order dated 30 June 2018, passed by respondent no. 2 – Scrutiny Committee is quashed and set aside which is at exhibit ‘G’.
- ii. Respondent no. 2 – Scrutiny Committee is directed to issue validity certificate to the petitioner within period of two weeks.
- iii. Writ Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPChauhan