

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7457 OF 2023

Supriya Anil Sarge

.. Petitioner

Versus

- 1] The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
- 2] The Scheduled Tribe Certificate Scrutiny
Committee Kinvat, Head Quarter at Aurangabad
Through its Deputy Director (R)
- 3] The Commissioner &
Competent Authority,
State CET Cell, Maharashtra State,
Mumbai
(Controller of Admission Process),
8th Floor, New Exelsior Building,
AK Marg, Fort, Mumbai – 1

.. Respondents

...

Advocate for petitioner : Mr. Pratap V. Jadhavar
AGP for the respondent – State : Mr. A.S. Shinde
Advocate for respondent no. 3 : Mr. M.D. Narwadkar

...

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

DATE : 24 JULY 2023

PC :

Heard the learned advocate for the petitioner as also the
learned AGP.

2. The petitioner is challenging the order passed by the
respondent – scrutiny committee in a proceeding under section 7 of the

Act no. XXIII of 2001 thereby seizing and cancelling her tribe certificate as *Koli Mahadev* Scheduled Tribe.

3. The committee has elaborately considered several aspects, however, we are only concerned with the fact that admittedly, this Court has granted conditional validity to the petitioner's real brother Sushant Anil Sarge (writ petition no. 8575 of 2019 – order dated 15-07-2019) for the reasons mentioned therein including the earlier validities in favour of the petitioner's father and few other relations.

4. Since a statement was being made on behalf of the committee that necessary steps were being taken to re-open the cases of validity holders, this Court had directed validity certificate to be issued to the petitioner's brother – Sushant making it subject to the final outcome of the decision in the matters those were to be re-opened.

5. On enquiry, the learned AGP submits that show cause notices have been issued to the validity holders way back in the year 2019 and the matters are still at the same stage.

6. If the committee for last 5 years has not been able to take the re-opened matters to its logical end, the petitioner cannot be deprived of conditional validity more so when she intends to pursue professional course.

7. We allow the writ petition partly, quash and set aside the impugned order and direct the committee to issue tribe validity certificate of *Koli Mahadev* to the petitioner immediately. It shall be subject to the final outcome of the matters being re-opened by the committee.

8. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/