

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

WRIT PETITION NO. 8981 OF 2023

Shubhangi D/o Vijay Chaudhari,
Age : 18 years, Occ : Education,
R/o Indral, Tq. Deoni,
Dist. Latur. .. Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Office at Aurangabad,
through its Member Secretary. .. Respondent

Shri Mahesh S. Deshmukh, Advocate i/by Shri Sagar S. Phatale,
Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 23 AUGUST 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both sides for final disposal at admission stage considering the urgency expressed by the petitioner.

2. The petitioner has taken exception to the judgment and order dated 06.04.2023 passed by the respondent/Scrutiny Committee invalidating her tribe claim as belonging to 'Rajgond' (Scheduled Tribe).

3. The fulcrum of the submissions of the petitioner is that in

the wake of validity certificates issued to Om Anantram and Shivnand Vijay, it is travesty of justice to deny the validity to the petitioner.

4. The learned Assistant Government Pleader supports the impugned judgment and order. He would submit that the Scrutiny Committee has rightly held that the caste of the petitioner is Telang and the validity certificates are not reliable. He would submit that the scrutiny committee has arrived at plausible and reasonable conclusion which cannot be faulted.

5. Our attention is drawn to the genealogy which is at page No. 45. We find that there are number of validity holders from the paternal side to support the petitioner. Out of them two are issued with validity certificates in pursuance of the orders passed by this Court. The petitioner has placed on record the judgment and order dated 12.01.2021 in Writ Petition No. 328 of 2021 in the matter of Om Anantram Chaudhari and another. Similar order passed by the Division Bench of this Court in Writ Petition No. 1383 of 2022 in the matter of Shivanand Vijay Chaudhari is also placed on record. After considering self same record in both the matters directions are issued to issue validity certificates, conditionally. We also propose to follow the same course.

6. It is not permissible for the scrutiny committee to examine self same record and to arrive at any finding inconsistent with the decision taken by this Court. In that view of the matter the scrutiny committee has committed perversity.

7. We find that the impugned judgment and order is unsustainable. We propose to allow the writ petition partly by passing following order.

O R D E R

- A. The writ petition is partly allowed.
- B. The impugned judgment and order passed by the respondent/scrutiny committee is quashed and set aside.
- C. The respondent/Scrutiny Committee shall issue validity certificate to the petitioner as belonging to 'Rajgond' (Scheduled Tribe) forthwith conditionally in the prescribed format without adding anything.
- D. The said validity certificate shall be subject to the final outcome of the matters which the committee has decided to re-open.
- E. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]