

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

WRIT PETITION NO. 9160 OF 2023

Rutuja d/o Anant Parsewad
Age - 19 years, Occ- Education,
R/o. Lavhral, Tq. Loha,
District : Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through: Its Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, Head Quarter
at Aurangabad, through its.
Vice Chairman. .. Respondents

Shri G. K. Chinchole, Advocate h/f Shri O. B. Boinwad, Advocate
for the Petitioner.
Shri S. G. Sangale, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 01 AUGUST 2023.**

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

. Heard learned counsel for the respective sides. Taken up
for final adjudication at the admission stage.

2. The petitioner is approaching this Court against judgment
and order dated 02.06.2023 passed by the respondent No.
2/Scrutiny Committee invalidating the tribe claim of the

petitioner being 'Koli Mahadev' (Scheduled Tribe).

3. The petitioner is relying upon the order dated 21.08.2019 passed by this Court in the matter of her brother Abhijit Anant Parsewad in Writ Petition No. 9181 of 2019. She is further relying upon the validity certificate issued to Tukaram Narayan Parsewad, uncle of the petitioner and old entry of 1943.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the scrutiny committee has rightly rejected the caste claim considering the contrary entries and manipulation of the record. The validity certificates are rightly discarded by the scrutiny committee. This is not a fit case to issue caste validity to the petitioner. He further informs that the scrutiny committee has decided to reopen the validity certificates.

5. The genealogy is placed on record. Abhijit Anant Parsewad is the real brother of the petitioner, who was issued with the validity certificate by the order 21.08.2019 of this Court in Writ Petition No. 9181 of 2019. The order is at page No. 6. The caste claim of Abhijit was invalidated by the Committee, which was challenged in the High Court. Writ petition was allowed and the scrutiny committee was directed to issue the validity certificate to the brother of the petitioner on certain conditions. We also propose to adopt the same course.

6. The petitioner's uncle Tukaram Narayan Parsewad was issued validity certificate. We also notice the old entry in the

school record of 1943. It is pertaining to Narayan Tukaram Parsewad. The entry has a probative value. The same was considered while granting validity to Tukaram Narayan Parsewad. There was vigilance enquiry in the case of Tukaram. The learned A. G. P. is unable to point out any circumstance to deprive the petitioner from the validity certificate.

7. The Scrutiny Committee has decided to reopen the validity certificates of the relatives of the petitioner. The infirmities in the case of validity holders can be looked into by the scrutiny committee. Till the validity certificates are revoked, the petitioner cannot be denied the equal social status. We find that the impugned judgment is perverse and unsustainable and deserves to be quashed and set aside. We dispose of this writ petition by passing following order.

ORDER

1) The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe. It shall be subject to the decision to be taken by the committee in the reopened matters.

2) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23