

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

WRIT PETITION NO.9640 OF 2023

Tejaswini d/o Sunil Garud
minor through her father
Sunil s/o Ramrao Garud

... **Petitioner**

Versus

1. The State of Maharashtra through
The Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
2. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through its Member Secretary

... **Respondents**

...

Advocate for Petitioner : Mr. Sagar S. Phatale
AGP for Respondents: Mr. A.A. Jagatkar

...

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

DATE : 07.08.2023

PER COURT :

Heard both the sides.

2. The petitioner is challenging the order, whereby, her tribe certificate as 'Thakur' scheduled tribe has been confiscated and cancelled by the Committee under Section 7 (1) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

3. We need not undertake a threadbare scrutiny more so when the petitioner is aspiring to undertake a further education in the ongoing

admission process and is ready to take the validity certificate subject to the decision to be taken by the Committee the matters of the validity holders which she is relying upon for reconsideration.

4. Admittedly, her blood relations from the paternal side namely Aksahy Vasant Garud, Akanksha Vasant Garud, Suraj Bhagwan Garud, Shuruti Bhagwan Garud, Makarand Madhukar Garud, Mukund Madhukar Garud, Saukhda Manoj, Nivruti Karad and Kunal Jitendra Garud have all been granted conditional validities by different orders of this Court annexed to the petition (**Exhibit-D**) collectively. In that view of the matter, the petitioner is also entitled to have a conditional validity.

5. At this stage, the learned advocate for the petitioner submits that this Court has been passing several orders in different matters directing validity certificates to be issued to various claimants obviously subject to the decision to be taken by the Committee in the matters which it had already opened or intended to reopen. Pursuant to such orders the Scrutiny Committee at Aurangabad has been issuing validity certificates, however, by putting up an endorsement thereon to the effect that it is a conditional validity. He submits that though this Court had expressly mentioned that the validity certificate to be issued to these persons shall be subject to the decision to be taken by the Committee in the reopened matters that does not mean that the Committee itself should qualify the validity certificate which in all probability is likely to create obstacles in the use of the validity certificates by the persons.

6. We do not approve rather condemn the conduct of the Committee in indulging in putting up some condition incorporated in the validity certificate which is supposed to be issued in the prescribed format, albeit the validity is subject to the conditions imposed by this Court from time to time and case to case basis in specific cases.
7. The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate by tomorrow to the petitioner as belonging to '*Thakur*' scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.
8. The respondent – Scrutiny Committee shall issue certificate of validity to the petitioner in the prescribed format without putting up any additional endorsement thereon.
9. Petitioner and her blood relations shall cooperate the Committee in early decision of the reopened matters.
10. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)