

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

WRIT PETITION NO. 9657 OF 2023

VAISHNAVI SURESH NAGALBONE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for Petitioner : Mr. P.V. Jadhavar
AGP for Respondents : Mr. A.S. Shinde
....

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

DATED : 07 AUGUST, 2023

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

1. Heard both the sides finally at the admission stage.
2. The petitioner is assailing judgment and order dated 27.07.2023, passed by the Scrutiny Committee, invalidating her caste claim for 'Koli Mahadev' scheduled tribe. The reliance is placed upon validity certificate issued to Satesh Dagadu Nagalbone who is real uncle of the petitioner. The old record is also produced on record to support the caste claim.
3. Learned AGP has contested the matter. There was contrary entries and tampering of the school record was revealed during enquiry. According to him, validity certificate is also not reliable.

4. The petitioner has placed on record genealogy which is undisputed. There was vigilance enquiry in the matter of Satesh. By reasoned order, Satesh was issued with validity certificate. The documentary evidence was considered before issuing the validity certificate to him. Therefore, the Scrutiny Committee erred in holding that the validity certificate was issued to him by suppressing material facts.

5. We have perused original files of validity holder Satesh Dagadu Nagalbone as well as the petitioner. We notice old record of Dagdu Nagorao Nagalbone, Dashrath Nagorao Nagalbone, Suresh Dagdu Nagalbone. We are of the considered view that the case is made out by the petitioner for issuance of the validity certificate.

6. Learned AGP has informed that show cause notices are issued to the validity holders. The Committee can look into the objections of the learned AGP during the re-verification. Till the validity certificate of Satesh is revoked, the petitioner cannot be deprived of the validity. We hold that the impugned judgment and order needs interference. Hence, we pass following order :

ORDER

- i. The Writ Petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.
- ii. The respondent – Scrutiny Committee shall issue certificate of validity to the petitioner in the prescribed format without putting up any additional endorsement thereon.
- iii. Petitioner and her blood relations shall cooperate the Committee in early decision of the reopened matters.
- iv. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)