

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

WRIT PETITION NO. 9672 OF 2023

SHRUTI GANGADHAR RUDRURKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for Petitioner : Mr. O.B. Boinwad
AGP for Respondents : Mr. S.G. Sangle
....

**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.
2. The petitioner is assailing judgment and order dated 01.08.2023, invalidating tribe certificate of 'Koli Mahadev' scheduled tribe. She is relying upon validity certificate of her cousin sister Deepali Devidas Rudrurkar. She submits that Deepali was issued with validity certificate in accordance with law and the same is reliable one.
3. Learned AGP would submit that the Scrutiny Committee is justified in rejecting caste claim of the petitioner because the record produced by the petitioner was incompatible and manipulation was noticed in the record of Devidas, Gangadhar and Suresh. According to

him, the validity certificate was rightly discarded.

4. Learned AGP has produced on record file of validity holder Deepali. It is further informed that the Scrutiny Committee has proposed to undertake re-verification of validity holder.

5. We have considered rival submissions of the parties. We notice that validity holder Deepali is first cousin sister of the petitioner. There was vigilance report in her matter. The report reveals that documentary evidence was considered. Amongst the various entries, one is of 1946 of Sayanna Vyankanna Rudrurkar. From the original file, we find that reasoned order is passed in favour of Deepali. We are of the considered view that the validity certificate was secured after following due procedure of law. The petitioner is entitled to get benefit of the same.

6. We do not think it appropriate to reconsider the self same record and to come to any contrary conclusion. Learned AGP has raised various objections in respect of old record and validity certificate. In view of the re-verification proposed to be undertaken by the Committee, we restrain ourselves from offering any comment. It is suffice to note that unless the validity certificate is revoked, the petitioner cannot be deprived of the equal social status. We hold that

impugned judgment and order is unsustainable. 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 their 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.)