

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

WRIT PETITION NO. 9811 OF 2023

Saylee Sanjay Ghante ... Petitioner

VERSUS

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Deputy Director (R) ... Respondents

...
Advocate for the Petitioner : Mr. Pratap V. Jadhavar
A.G.P. for the Respondents/State : Mr. A.S. Shinde

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 09.08.2023

ORAL ORDER (MANGESH S. PATIL, J.):

Heard both sides for a while.

2. The petitioners are challenging the invalidation of her tribe claim of belonging to *Koli Mahadev* scheduled tribe.

3. We have heard both sides finally at the stage of admission since the petitioner is aspiring to take admission in the ongoing NEET-UG-2023 process.

4. At the outset, it is necessary to note that there is no dispute about the genealogy. Petitioner's real brother Saurabh has been granted validity

by this Court. Even their father is a validity holder. His real cousin Swastik Shivaji, Suyash Shivaji as well as Sneha Subhash, Sumit Subhash and Swati Subhash are also the validity holders apart from Subhash.

5. If it is a matter of social status, since the family members are already possessing validity certificates, the same benefit cannot be deprived to the petitioner in view of decisions in the matters of ***Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee no. 1 and others; 2010 (6) Mh.L.J. 401*** and ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***.

6. Hence, the 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 in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

arp/-