

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

WRIT PETITION NO. 9901 OF 2023
WITH
CIVIL APPLICATION STAMP NO. 25047 OF 2023

SEEMA DILIP KUREWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents : Mr. S.G. Sangale
Advocate for Applicant : Mr. S.N. Lale Yelwatkar
....

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

DATED : 10 AUGUST, 2023

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

1. Being aggrieved by the judgment and order dated 04.08.2023, invalidating tribe certificate of the petitioner as 'Mannervarlu' scheduled tribe, she has approached this Court.
2. She is relying upon the validity certificates of Vishnu and Kailas. On the ground of parity, the impugned judgment is unsustainable, is her contention.
3. Learned AGP supports impugned judgment and order. He would submit that the invalidation of the caste claim of Shivaji was

suppressed by the earlier validity holders. There was suppression of material facts and the validity certificates are unreliable. He would submit that the contrary entries would indicate caste as 'Maratha' and the invalidation was proper.

4. It is informed by learned AGP that Scrutiny Committee has proposed re-verification of the validity certificates. The original file of validity holder Vishnu Dattatraya Kurewad is placed on record for our perusal.

5. With the assistance of learned counsel, we have gone through the file of Vishnu Dattatraya Kurewad. We find that vigilance enquiry was conducted in his matter. The relevant documentary evidence was taken into account. By reasoned order, the validity certificate was issued. We do not find any impediment for relying upon the validity certificate as per law laid down by the Supreme Court in the matter of *Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**.

6. The Scrutiny Committee has erred in arriving at a negative finding based upon the school record. The successive Committee has no power to arrive at a contrary finding when there is

already validity certificates issued on the basis of same set of record. We hold that the impugned judgment and order is perverse.

7. The Committee has power to reconsider the objections regarding the validity certificates during re-verification. Till the validity certificates are revoked, the petitioner cannot be deprived of its benefit. The impugned judgment and order is unsustainable. Hence, we pass following order :

ORDER

- i. The writ petition is partly allowed.
- ii. The impugned order dated 04.08.2023, passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- iii. 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.
- iv. The certificate of validity shall be issued in the

prescribed format without incorporating any other conditions/additions.

v. The petitioner shall not be entitled to claim equities.

vi. Pending application for intervention is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/