

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

WRIT PETITION NO. 10691 OF 2023

1. Sakshi d/o Balaji Yermalwad,
Age: 19 years, Occu. : Student,
R/o Yeoti, Tq. Dharmabaad,
Dist. Nanded.
2. Shewta d/o Balaji Yermalwad,
Age: 23 years, Occu. : Student,
R/o Yeoti, Tq. Dharmabaad,
Dist. Nanded. .. Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad
Near CIDCO Bus Stand,
Aurangabad, Dist. Aurangabad. .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioners.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 28 AUGUST 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard learned counsel for respective sides finally.

2. The petitioners are the daughters of Balajirao Baburao Yermalwad. They were issued with tribe certificates of Koli Mahadev (Scheduled Tribe). Those were invalidated and confiscated vide judgment and order dated 18.08.2023, which is the subject matter of this petition.

3. The petitioners are relying upon the validity certificate issued to their father as well as old record of 1958.

4. Per contra the learned Assistant Government Pleader would oppose the claim of the petitioners. It is submitted that the scrutiny committee has rightly rejected the caste claims considering the contrary school record and manipulation in the case of Gangaram Yelappa. The validity certificates were procured by suppression of material facts and rightly discarded. The learned A. G. P. has informed that the scrutiny committee has proposed reverification of the validity holders.

5. The learned counsel for the petitioners has referred to the vigilance enquiry conducted in the matter of their father Balaji Baburao. A report is placed on record to show that relevant school record was considered in his case. School record of 1958 of father of the petitioners was considered along with other record. Thereafter the validity certificate was issued to the father of the petitioners which is reliable one. We do not find any flaw in the submission of the learned counsel for the petitioners. The learned A. G. P. is unable to point out any circumstance to

persuade us to take any contrary view.

6. The Scrutiny Committee ought to have granted validity certificates to the petitioners by relying upon the validity certificate issued to their father. The submissions of the learned A. G. P. in respect of contrary entries and manipulation can be considered by the scrutiny committee during the course of reverification. Unless and until the validity certificate is revoked, the petitioners cannot be deprived of the same social status. The petitioners are entitled to conditional validity certificates.

7. For the reasons stated above, we find that the impugned judgment and order is unsustainable in law. We therefore allow the writ petition partly by passing following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned order dated 18.08.2023 passed by the respondent No. 2/Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' (Scheduled Tribe).

C. It shall be subject to the decision/out come in the matters to be reopened by the Committee of the validity holders.

D. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.

E. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23