

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

WRIT PETITION NO. 10741 OF 2023

**HARSHALI GOVINDA UNHALE
THROUGH HER FATHER GOVINDA GAMBHIR UNHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Barlinge Sudhir Raghunath
AGP for Respondent Nos. 1 & 2 : Mr. S.B. Yawalkar
...

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

DATE : 01 SEPTEMBER 2023

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

1. Heard both the sides finally.
2. The petitioner is challenging the judgment and order dated 17.08.2023, passed by the respondent no. 2 – Scrutiny Committee, invalidating the tribe claim of the petitioner for ‘Tokre Koli’ scheduled tribe. In view of the pronouncement in Writ Petition No. 13774 of 2021 in the matter of Samidha Gokul Unhale and another Versus The State of Maharashtra and others, the petitioner is entitled to have validity certificate.
3. Learned AGP has opposed claim of the petitioner. He would submit that the school record of the relatives of the petitioner is incompatible with the caste claim. The validity certificates sought to be produced to support the petitioner’s claim are procured by misleading

information and, therefore, not reliable. Simultaneously, it is informed that the Scrutiny Committee has proposed re-verification of validity certificates of the relatives of the petitioner.

4. The petitioner has placed on record the genealogy at page no. 23. Samidha is daughter of Gokul, though not shown in the genealogy but admitted by the respondent. Samidha is paternal side cousin of the petitioner. She holds validity certificate in pursuance of the order of High Court.

5. Learned Counsel of the petitioner has placed on record order passed by High Court on 20.12.2021, in the matter of Samidha (supra). The text of paragraph nos. 5, 6 and 7 discloses that relevant record was considered threadbare by High Court. The validity certificate was directed to be issued on condition. We also proposed to adopt the same course.

6. Learned AGP would submit that there is cloud over the nexus between petitioner and validity holder Samidha. The affidavits of Sujata and Gokul shows that submission is misplaced. However, it is open for the Scrutiny Committee to examine this aspect of the matter independently during re-verification. We hold that the impugned judgment and order is unsustainable. Hence, we pass the following order:

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 17.08.2023, 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 ‘Tokre Koli’ scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]