

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

WRIT PETITION NO. 10843 OF 2023

PRATIKSHA SAHEBRAO YENDERKAYE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. C.R. Thorat
AGP for Respondents : Mr. S.G. Sangale
...

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

DATE : 29 SEPTEMBER 2023

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

1. Heard both the sides finally.
2. The petitioner is challenging judgment and order dated 11.10.2022, passed by the respondent no. 2 – Scrutiny committee, invalidating tribe certificate of the petitioner and confiscating the same. Petitioner seeks to rely upon validity certificate of Girishchandra Rajaram Yenderkaye who is cousin of the petitioner. Learned counsel for the petitioner submits that the relationship of the petitioner with the validity holder has been independently established by revenue record. On the ground of parity the petitioner is entitled to validity certificate.
3. Learned AGP would oppose the claim of the petitioner. He would submit that the Committee rightly rejected the caste claim relying upon contrary entries of the school record. He would submit that the validity certificate of Girishchandra is not reliable because it was not

disclosed while obtaining it that there was contrary entries in the record of Rajaram, Sahebrao, Suryakant, Sundarbai, Yadavrao, Laxman and Sahil. Learned AGP has placed on record original papers to demonstrate the contrary record.

4. We have considered the rival submissions of the parties. It can be seen from the record that Girishchandra appears to be cousin of the petitioner from genealogy at page no. 119. The documentary evidence produced on record by the petitioner corroborates their relationship. Besides that the 7/12 extract produced at page no. 113 indicates joint occupation of Rajaram and Sahebrao – father of Girishchandra and petitioner respectively. We, therefore, disapprove the finding recorded by the Scrutiny Committee doubting relationship of the petitioner with Girishchandra.

3. The petitioner has placed on record the reasoned order passed in the matter of Girishchandra. The self same record has been relied upon by the petitioner in her case. When the validity certificate of Girishchandra is intact, the petitioner cannot be deprived of the validity certificate. The Committee erred in rejecting the tribe claim of the petitioner.

4. Girishchandra was issued with validity certificate not only on solitary material of validity certificate of Poonam and Madhav but other record was also considered. The Scrutiny Committee should not

have discarded his validity certificate. We find that impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificate of validity to the petitioner of 'Mannervarlu' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.
- iii. The certificate of validity shall be issued in prescribed format without incorporating any additions / conditions.
- iv. The certificate of validity shall be issued in prescribed format without incorporating any conditions/additions.
- v. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]