

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 WRIT PETITION NO.12597 OF 2022

SARITA BALAJI BIRKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
PRINCIPAL SECRETARY, URBAN DEVELOPMENT
DEPARTMENT AND OTHERS

...
Advocate for Petitioner : Mr. Thorat Chandrakant R. with Mr. O.D. Totewad
AGP for the respondent – State : Mr. A.S. Shinde
...

**CORAM : MANGESH S. PATIL &
S. G. CHAPALGAONKAR, JJ.**

DATE : 02 FEBRUARY 2023

ORDER (MANGESH S. PATIL, J.) :

The petitioner is impugning the order passed by the Scheduled Tribe Certificate Verification Committee invalidating her claim of belonging to *Mannervarlu* scheduled tribe.

2. We have heard both the sides and perused the original file and also the orders passed by the Scrutiny Committee in the matter of one Madhu Narayan Birkule and even her sister – Mayuri Narayan Birkule. The petitioner claims that apart from the other validity holders, even this Madhu is her cousin.

3. Pertinently, the contrary entries in respect of several persons relied upon by the Scrutiny Committee in the impugned judgment and order were the same contrary entries which were before

the Scrutiny Committee which similarly weighed with it while rejecting the claim of Madhu.

4. Admittedly, Madhu had also challenged the judgment and order of the Scrutiny Committee refusing to recognize her claim, by filing writ petition no. 8372 of 2018. This Court by a detail judgment and order dated 11-04-2022 allowed the petition and directed the validity to be issued to her.

5. The Scrutiny Committee in the impugned judgment and order has refused to rely upon the decision of this Court in the matter of Madhu only on the ground that the decision to challenge the order passed by this Court was being taken. Conspicuously, it has not doubted the relationship between the petitioner and Madhu.

6. This apart, it is indeed startling to note that the contrary entries discussed in both these matters in respect of Madhu and the petitioner are in respect of the almost same individuals, which cannot happen unless there is some blood relation between the petitioner and Madhu.

7. Be that as it may, when this Court in the matter of Madhu, for the elaborate reasons, has objectively considered the claim and directed the validity to be issued to her, irrespective of the fact whether

the order of this Court is being put to any challenge, so long as it is not set aside, the only course available is to follow the order.

8. We allow the writ petition, quash and set aside the judgment and order passed by the Scrutiny Committee and direct it to issue validity certificate to the petitioner.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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