

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

WRIT PETITION NO. 13529 OF 2019

PRIYANKA ASHOK BASAWANE (KOLI)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A.S. Golegaonkar
h/f. Madhur A. Golegaonkar
AGP for Respondents : Mr. S.G. Sangale
....

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

DATED : 22 AUGUST, 2023

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

1. Heard both the sides finally.
2. The petitioner is assailing judgment and order dated 14.08.2019, passed by the respondent Scrutiny Committee invalidating her tribe claim for 'Koli Mahadev' scheduled tribe. The petitioner claims parity in view of validity certificate issued in favour of her father and uncle.
3. Learned AGP supports impugned judgment and order. The Scrutiny Committee has rightly rejected the caste claim because the evidence on record was not compatible with the caste claim. The validity certificates were procured by misrepresenting the Scrutiny

Committee. The record indicates the caste of the relatives as 'Koli' which is non-tribe. He would urge that this is not a fit case to grant any discretionary relief to the petitioner.

4. We have considered the submissions of the parties. The genealogy which is produced on record at page no. 26 reveals that father and real uncle of the petitioner were issued with validity certificates. The validity certificates were issued after considering self same record. The Scrutiny Committee discarded them only on the ground that they were procured by suppression of material facts. It is not permissible for the successive Scrutiny Committee to take any contrary view. Unless and until the earlier validity certificates are revoked, the new claimant cannot be deprived of the equal social status.

5. We have noticed that there is school record of grandfather indicating the caste as 'Koli Mahadev'. It has more probative value. The Scrutiny Committee has committed perversity in rejecting the caste claim.

6. Learned AGP has disclosed that the Scrutiny Committee has proposed re-verification. The petitioner is entitled to validity certificate conditionally. The impugned judgment and order is unsustainable.

7. For the reasons stated above, we pass the following order:

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall forthwith issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, on a condition that the validity certificate shall be subject to final outcome of the re-verification undertaken by the Scrutiny Committee.
- iv. The certificate of validity shall be issued strictly 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.)