



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

917 WRIT PETITION NO. 15273 OF 2023

Ashwini d/o Babadas Patodekar,

Age 23 years, Occ. Student,

R/o. Patoda, Tq. Naigaon, Dist.

Nanded, at present : HUDCO,

ND-31-3/15, Nanded, Tq. & Dist.Nanded.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

- 2) Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Chhatrapati Sambhajinagar
Through its Deputy Director (Research)
and Member Secretary,Near CIDCO bus stand,
Chhatrapati Sambhajinagar, Dist. Chhatrapati
Sambhajinagar.

... **Respondents**

...

Advocate for the Petitioner : Mr. Thorat Chandrakant R.

A.G.P for the Respondents/State : Mr. K.N. Lokhande

**CORAM : MANGESH S. PATIL &
NEERAJ P DHOTE, JJ.**

DATE : 13.12.2023

PER COURT :

The petitioner is challenging the order of invalidation passed by the respondent-scrutiny committee refuting her claim of belonging to '*Koli Mahadev*' scheduled tribe.

2. We have heard both the sides finally at the stage of admission.

3. Rule. Rule is made returnable forthwith. Learned A.G.P waives service for both the respondents.

4. It transpires during the course of arguments that a similar claim of petitioner's real sister Aakanksha and two cousins Pratiksha Sainath and

Pragati Sainath were dismissed by the committee by a common order. They had challenged that common order by filing separate Writ Petition Nos. 5558/2021, 5565/2021 and 5575/2021. This Court by the order dated 16.12.2021, for the reasons recorded therein allowed the petitions and directed certificates of validity to be issued to those petitioners of '*Koli Mahadev*' scheduled tribe. The validities were made expressly subject to the decision to be taken by the committee in the matters of the validity holders which it had decided to reopen.

5. Even if the impugned order was passed separately in respect of the present petitioner, we have been made available a copy of the order passed by the scrutiny committee in the matter of above mentioned three individuals. The same set of evidence was subjected to scrutiny and the claims were decided. This Court having already undertaken objective scrutiny of that common order in Writ Petition Nos. 5558/2021, 5565/2021 and 5575/2021, by the order dated 16.12.2021, since it is a matter of social status and the petitioner is entitled to derive the benefit of the validities issued in the family, in the light of the decision in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023(2) Mh.L.J.785***, for the self-same reasons as recorded in the order dated 16.12.2021 in Writ Petition Nos. 5558/2021, 5565/2021 and 5575/2021, we allow the writ petition partly. The impugned order is quashed and set aside. The respondent-committee shall issue certificate of validity to the petitioner of '*Koli Mahadev*' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.

6. The petitioner shall not be entitled to claim equities.

7. Rule is made absolute accordingly.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-