



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO. 7656 OF 2024

KOMAL HANUMAN RECHODE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. S.R. Yadav-Lonikar

...

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

DATE : 20 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard both sides finally considering the exigency of the petitioner.

2. Petitioner is challenging judgment and order dated 12th November 2020, passed by the Scrutiny Committee, confiscating and validating her tribe certificate of 'Koli Mahadev'. Petitioner relies on validity certificates issued to Sarika, Amol, Achyut and Sarjerao which are shown in the genealogy.

3. Learned counsel for the petitioner submits that Amol is the first validity holder who was issued validity certificate after following due procedure of law. Sarika was issued with validity

certificate in pursuance of the order passed by High Court, without incorporating any condition. He would, therefore, submits that the validities issued in the family of the petitioner would corroborate her claim.

4. Learned AGP supports impugned judgment and order. He would submits that the Committee has rightly discarded the validity certificate as the validity issued to first validity holder Amol was based upon manipulated record of Laxman. He would submit that there is tampering of record in case of Laxman, Hanuman, Kanta and Ashok. As the validity certificates were obtained by suppressing material facts those would not enure to the benefits of the petitioner. It is contended that relationship of validity holders Amol, Achyut and Sarika with the petitioner is disputed. It is further informed that Committee has proposed to file Review Application in respect of order passed by High Court in the matter of Sarika.

5. We have considered rival submissions of the parties. Amol is the first validity holder in whose case vigilance enquiry was conducted. During the course of vigilance enquiry a genealogy was referred which shows that Appa had six children including

Shaburao and Laxman. Petitioner is descendant of Laxman whereas Amol, Achyut and Sarika are descendants of branch of Shaburao. As the genealogy was obtained in the vigilance enquiry and thereafter, Amol was issued with validity certificate by speaking order, we would find it safe to infer that the petitioner is related to validity holders Amol, Achyut and Sarika.

6. It further reveals from record that Sarika Sarjerao Rechode was issued with validity certificate in Writ Petition No. 4150/2002 vide order dated 13 October 2011. No condition was incorporated while issuing the validity certificate. The validity certificate is still intact, though the Committee has proposed to file Review Application against the said order. In that view of matter, unless and until validity certificates of Amol and Sarika are revoked, the petitioner cannot be denied same social status.

7. Though learned AGP would point out the manipulation of school record of certain relatives of the petitioner, the validities of Achyut, Amol, Sarika and Sarjerao are still intact. The Committee has already proposed to file Review Application in respect of Sarika's matter. The petitioner is ready to run risk as per *Shweta Balaji Isankar Versus State of Maharashtra and others*,

passed by this High Court in Writ Petition No. 5611/2018. We are of the considered view that petitioner is entitled to validity certificate subject to outcome of proposed Review Application to be filed in the matter of Sarika. We find impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. Writ Petition is partly allowed.
- ii. Impugned judgment and order is quashed and set aside.
- iii. The respondent no. 2 / Scrutiny Committee shall issue validity certificate to the petitioner which shall be issued subject to outcome of Review Application which is proposed to be filed in the matter of Sarika.
- iv. The petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]