



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4628 OF 2024

Juhi Sambhaji Kolgane

... PETITIONER

VERSUS

1. The State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate
Verification Committee Chh. Sambhajanagar,
through its Dy. Director (R),
Dist. Chh. Sambhajanagar

... RESPONDENTS

...

Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents: Mr. R.S. Wani

...

CORAM

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

DATE

: 24.06.2024

PER COURT:

Heard both the sides.

2. The petitioner is aggrieved by the impugned order passed by the respondent - Scrutiny Committee, whereby, her tribe certificate of "Mannervarlu" has been confiscated and cancelled in a proceeding under the Maharashtra Act XXIII of 2001.

3. Independent of the reasons assigned by the Committee it would be sufficient for us to observe that apart from anybody else in the

family possessing certificate of validity, petitioner's real sister Kanchan has been directed to be issue with a certificate of validity by the order of this Court in Writ Petition No.9044/2019 by the order dated 20.08.2019. Even this Court in the matter of one Krishna Purbhaji Kolgane who also appears in the genealogy was directed to be issued with a certificate of validity in Writ Petition No.2644/2023 by the order dated 01.08.2023, in turn relying upon the validity possessed by petitioner's sister Kanchan.

4. In the light of the fact that the Committee has been seeking to undertake reconsideration of the matters of validity holders we had directed Krishna Purbhaji Kolgane to be issued with a certificate of validity subject to the decision to be taken by the Committee in the reopened matters.

5. In the light of above state of affairs, following consistent view of the Supreme Court as also this Court, the petitioner being real sister of a validity holder, she is entitled to possess a similar certificate of validity.

6. However, it is being pointed out that the Committee has issued notice to the petitioner's father Sambhaji on the premise that there are sufficient and cogent reasons for it to reopen his matter.

7. Learned AGP submits that in spite of notice having been issued long back in the year 2019 and petitioner's father having caused appearance through an advocate, he has not been turning up thereafter. Obviously, if the children are seeking to derive the benefit of reservation,

it cannot be permitted that the father is allowed to protract the litigation in respect of reinquiry into his certificate of validity.

8. We allow the writ petition partly. The impugned order is quashed and set aside. The committee is directed to issue certificate of validity to the petitioner within two weeks. Its validity shall be subject to the final outcome of the matter which the committee has reopened in respect of her father and subject to the petitioner's father cooperating the scrutiny committee in the reopened matter and does not protract it.

9. The writ petition is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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