



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

WRIT PETITION NO. 6725 OF 2024

Vaishnavi Bhagwat Koli .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Omgashad B. Boinwad, Advocates for the Petitioner.

Shri Sarang P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 24 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

- . Heard both sides finally considering urgency in the matter.
2. Petitioner is aggrieved by confiscation and invalidation of her tribe certificate of 'Koli Mahadev' (Scheduled Tribe) by the Scrutiny Committee vide judgment and order dated 15.04.2024. The Committee discarded validity certificates of Onkar, Ganesh, Suryakant, Raju, etc. Considering the contra entries of paternal side relatives and manipulation of the school record of Umakant and Ganesh the caste claim has been rejected.
3. Learned counsel for the petitioner submits that validity certificate of Onkar was issued after following due procedure of law and it should have been accepted. He would further submit that old record of Arjun would support the petitioner's claim.

4. Per contra, learned Assistant Government Pleader would support the impugned judgment and order. He tenders on record original papers of Suryakant Baburao Kavalikar. It is submitted that old school record of Babu, Arjun, Vishambhar and Shivaji is incompatible with the caste claim. The validity certificates are unreliable being procured by suppression of contrary entries. It is informed that the Committee has proposed reverification.

5. We have considered rival submissions of the parties. We have gone through the genealogy produced by the petitioner which is not disputed by the respondents. Petitioner is the descendant of Babarao. All the validity holders are descendants of Babarao's brother Laxman. The scrutiny committee did not entertain any doubt regarding relationship of the petitioner with the validity holders. Therefore, the submission of learned A. G. P. that the relationship has not been proved, cannot be accepted.

6. It reveals from record that Onkar Kishor Kavalikar was issued with the validity certificate by orders of High Court passed in Writ Petition No. 11524 of 2023 on 14.09.2023. In that matter validity issued to Suryakant was relied upon. Pertinently, after considering contrary entries, the validity certificate was directed to be issued to Onkar. We propose to follow same course.

7. Besides that, it reveals from original papers that Suryakant was issued with the validity certificate by speaking order and considering vigilance report. When self same record has already been scrutinized, it would be unfair to deny the

validity certificate to the petitioner. The petitioner is ready to abide by the conditions contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018.**

8. The petitioner therefore, deserves validity certificate on certain conditions. The impugned judgment is liable to be quashed. We ,therefore, pass following order :

O R D E R

- A) The writ petition is partly allowed.
- B) The impugned order dated 15.04.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C) The respondent No. 2/Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe in the prescribed proforma without adding anything. The validity shall be subject to outcome of the matters which the committee has decided to re-open.
- D) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24