



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

WRIT PETITION NO. 7175 OF 2024

Sakshi Vijay Jamadar

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Anansingh S. Bayas, Advocate for the Petitioner.

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

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

DATE : 31 JULY 2024.

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

. Heard this matter finally at the admission stage considering urgency.

2. Petitioner is challenging judgment and order dated 03.07.2024 passed by the respondent No. 2/Scrutiny Committee invalidating her tribe certificate of 'Koli Mahadev' Scheduled Tribe. She relies on validity certificates of her real sister - Gouri, father - Vijay and other five paternal side relatives. Amongst them Deelip Vishwanath is the first validity holder. Gouri was issued with the validity by the High Court.

3. The learned Assistant Government Pleader supports the impugned judgment and order. He would submit that scrutiny committee is justified in rejecting the caste claim considering

contrary entries of close relatives of the petitioner and manipulation in the school record of Abhimanyu and Putalabai. He would further submit that validity certificates are not reliable.

4. We have considered the submissions and gone through the relevant record. There is no dispute about the relationship of the petitioner with the validity holders. Petitioner's father Vijay was issued with the validity certificate and Gouri was issued with the validity certificate by High Court vide order dated 28.10.2021 in Writ Petition No. 7570 of 2021. There is vigilance enquiry in the case of petitioner's father. Self same record was already considered in the matter of petitioner's father and sister. Therefore, it was not open for the Committee to take any contrary view. We propose to follow view and reasoning assigned by the High Court in the matter of petitioner's real sister Gouri.

5. It is submitted by the learned A. G. P. that petitioner is not entitled to unconditional validity. Her sister Gouri was issued with the validity certificate conditionally by High Court. It is not disputed that Deelip Vishwanath Jamadar was granted validity certificate by the order of the High Court. It was challenged by the State Government before the Supreme Court, but the challenge failed. Order passed by the High Court was confirmed by a reasoned order. Deelip was granted unconditional validity. This was not pointed out to the High Court while deciding writ petition of Gouri. Surprisingly, the Committee in the impugned order also did not deal with the validity issued to

Deelip by the High Court, which was confirmed by the Supreme Court. Thus, there is non application of mind by the Committee. The Committee has committed error of jurisdiction in discarding validity certificates. The petitioner deserves unconditional validity. Impugned judgment and order is unsustainable. We, therefore, pass following order.

O R D E R

- A) The writ petition is allowed.
- B) The impugned judgment and order dated 03.07.2024 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 immediately without incorporating any condition.
- D) The writ petition is disposed of.

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