



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

WRIT PETITION NO. 7361 OF 2024

Pranali Sukhadeo Ghadage .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri K. S. Patil, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 29 JULY 2024.

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

. Heard both the sides finally. Considering exigency expressed by the learned counsel for the petitioner, we propose to decide this matter at the admission stage.

2. Petitioner is challenging judgment and order dated 03.05.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating the tribe certificate of the petitioner for 'Koli Mahadev' (Scheduled Tribe).

3. Learned counsel for the petitioner would rely upon validity certificates issued to her father Sukhdeo. According to him it was issued after following due procedure of law. It would enure to the benefit of the petitioner. He would further submit that when considering self same record her father was issued with

validity certificate, it would not be open for the Committee to take contrary view to reject the caste claim of the petitioner.

4. Learned Assistant Government Pleader would support the impugned judgment and order. He tenders on record file of the petitioner to demonstrate the manipulation in the school record of Vithal Sukhdev Ghadage and Uddhav Vitthal Ghadage. According to him Scrutiny Committee has taken reasonable and possible view considering the manipulation. He would further submit that petitioner's father's validity certificate was procured by suppression of material facts and Committee is justified in discarding it. He would inform that the Committee has proposed reverification of the validity certificate of petitioner's father.

5. We have considered rival submissions of the parties. With the assistance of the learned counsel for the parties, we have gone through the original papers of the petitioner. There is no dispute that the petitioner's father was issued with the validity certificate by the Scrutiny Committee. We have gone through the vigilance report in his matter. We have also considered speaking order passed by the Scrutiny Committee granting him validity certificate. We are of the considered view that the validity certificate was issued to the petitioner's father after following due procedure of law. In view of the law laid down in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others, 2023 SCC Online SC 326 certificate of validity issued to Sukhdev would enure to the benefit of the petitioner.

6. It further reveals from the vigilance report in the case of Sukhdev that he withstood the affinity test which was expressly recorded by the Vigilance Officer, which is an additional factor to rely upon his validity certificate.

7. The Scrutiny Committee while granting validity certificate to the petitioner's father considered school record of Vitthal Baliram Ghadage as well as Uddhav Vitthal Ghadage. When self same record has already been considered by the Scrutiny Committee, the petitioner cannot be deprived of the benefit of the caste status. Unless and until the validity certificate of Sukhdev is revoked, the petitioner cannot be deprived of the same social status.

8. The learned counsel for the petitioner undertakes to abide by the conditions as contemplated by the judgment of this Court 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**. We are of the considered view that the impugned judgment and order is unsustainable. The petitioner deserves to be issued with the validity certificate on certain conditions. We, therefore, pass following order.

O R D E R

a. The impugned judgment and order dated 03.05.2024 passed by the respondent No. 2/Scrutiny Committee is quashed

and set aside.

b. The respondent No. 2/Scrutiny Committee shall issue certificate of validity to the petitioner immediately of 'Koli Mahadev' (Scheduled Tribe) in the prescribed proforma without adding anything.

c. The said validity certificate shall be subject to the final outcome of the matters of the validity holders which the committee has decided to reopen.

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

e. The writ petition is allowed in above terms.

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

bsb/July 24