



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

**WRIT PETITION NO. 7598 OF 2024**

Shraddha Shrikrushna Khanapurkar .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri S. M. Kulkarni, Advocate h/f Shri O. B. Boinwad and Shri A. B. Kharosekar, Advocates 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 : 24 JULY 2024.**

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

. Heard both sides finally.

2. The petitioner is challenging judgment and order dated 08.07.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating petitioner's tribe certificate of 'Koli Mahadev' (Scheduled Tribe). Petitioner relies on validity certificate of her father Shrikrushna, aunt Prabhavati, aunt Bhagyashri and uncle Suryakant.

3. Learned counsel for the petitioner submits that the validity certificates of father and aunt are reliable. The old record of Pundalik of 1964 indicating caste as Koli Mahadev has already been scrutinized which would enure to the benefit of the petitioner. According to the learned counsel for the petitioner, impugned judgment is unsustainable as considering contra

entries already validity certificates have been issued in the family.

4. Learned Assistant Government Pleader supports impugned order. He tenders on record original papers of the petitioner and validity holder Prabhavati. He would submit that validity certificates sought to be relied upon were procured by misleading the scrutiny committee. From the original papers a coloured photo copy of school record of Pundalik is being shown to buttress that it is manipulated entry. It is further submitted that the Committee has already issued show cause notices to the validity holders.

5. We have considered rival submissions of the parties. We have gone through the original papers of Prabhavati as well as the petitioner. It is not disputed that petitioner's father, real uncle and aunt were issued with the validity certificates. Her aunt Prabhavati is first validity holder. Record reveals that after conducting vigilance enquiry and considering its report, the Committee passed a speaking order for issuing validity certificate. The school entry of Pundalik of 1964 was relied on. After Prabhavati, other members were also issued with validity certificates. We are of the considered view that validity certificates are reliable considering law laid down by the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in *2023 SCC Online SC 326*.

6. The Committee has proposed reverification of the tribe

certificates of the family members of the petitioner. Unless their tribe certificates are revoked, the petitioner cannot be deprived of the same social status.

7. The petitioner deserves conditional validity as she is ready to abide by the conditions laid down 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.** Impugned judgment and order is unsustainable. We ,therefore, pass following order :

### **O R D E R**

- (i) The writ petition is partly allowed.
- (ii) The impugned order dated 08.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) 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.
- (iv) The petitioner shall not be entitled to claim equities.

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

*bsb/July 24*