



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 WRIT PETITION NO. 7583 OF 2024

YOGITA LAXMAN MANTRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND ANOTHER

...
Advocate for petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. R.S. Wani
...

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

DATE : 30 JULY 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

The petitioner is challenging the order of invalidation of her tribe claim of Koli Mahadev.

2. Learned advocate for the petitioner adverts our attention to the genealogy furnished by the petitioner on affidavit. He would submit that the petitioner's brother – Yogeshwar's claim was also invalidated by the committee. In writ petition no. 9474 of 2023, by order dated 02-08-2023, he was held entitled to have a certificate of validity although conditionally.

3. He would further point out that though a separate vigilance enquiry has been conducted in petitioner's matter, all the documents / evidence that was covered in the matter of Yogeshwar forms part of the

present vigilance enquiry. He would, therefore, submit that the petitioner being ready to face the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017), she may be granted conditional validity.

4. Learned AGP opposes the request.

5. When on the basis of selfsame evidence, the petitioner's brother has been found entitled to have certificate of validity, may be conditionally, one cannot take a different view in petitioner's matter.

6. For the selfsame reasons, as we have recorded in the matter of Yogeshwar, we allow the writ petition partly.

7. The impugned judgment and order is quashed and set aside. The committee shall issue certificate of validity to the petitioner in the prescribed format immediately. Its validity would be subject to the matters which the committee has decided to re-open.

8. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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