



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

WRIT PETITION NO. 7679 OF 2024

Gouri Santosh Pawar .. Petitioner

Versus

Scheduled Tribe Certificate Scrutiny
Committee Through Its Member
Secretary .. Respondent

Shri Sagar S. Phatale, Advocate for the Petitioner.
Shri R. S. Wani, A.G.P. for the Respondent.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 23 JULY, 2024.**

FINAL ORDER :

- . The petitioner is challenging the order of invalidation.
2. We have heard both the sides finally at the admission stage in view of exigency as much as she intends to secure admission in the current admission process of 2024-2025.
3. Having heard both the sides for a while, it transpires that petitioner's real brother Krushna Santosh Pawar had filed Writ Petition No. 7622 of 2018, similarly aggrieved by the invalidation of his tribe certificate. By the order dated 30 July 2018, the writ petition was allowed and he was directed to be issued with the certificate of validity subject to the final outcome of the matters

of the validity holders which the Committee had intended to be reopened on the ground of alleged fraud.

4. Incidentally, petitioner's paternal uncle Arun and aunt Yogeshwari were also granted with certificates of validity conditionally by the order of this Court in Writ Petition No. 13640 of 2019 dated 07 August 2020.

5. Parameters laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** reported in ***2023 SCC Online SC 326*** in paragraph No. 22, as regards entitlement of an individual to derive the benefit of the earlier validities, requiring scrutiny as to the relationship between the two individuals and ascertaining the fact whether due process was followed while granting validities, to the extent of the validities issued by the order of the High Court will have to be understood in the context. The observations, in our view and with utmost respect would comprehend a situation where earlier validities are granted by the then scrutiny committees. It is only in those cases the direction as laid down in paragraph No. 22 will have to be applied strictly.

6. When the coordinate Division Benches have already held real brother and real paternal uncle and aunt entitled to have certificates of validity, albeit conditionally, the petitioner cannot be deprived of the same right.

7. The writ petition is allowed partly. The impugned order dated 21.05.2024 passed by the respondent/Scrutiny Committee is quashed and set aside. The respondent/Scrutiny Committee shall immediately issue certificate of validity to the petitioner as belonging to 'Thakur' (Scheduled Tribe). Its validity would be subject to the final outcome of the matters which the Committee has decided to reopen. The petitioner shall not be entitled to claim equities.

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

bsb/July 24