



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 WRIT PETITION NO. 7706 OF 2024

AVANTI ANIL CHATARMAL MINOR
THROUGH ANIL MOGALAJI CHATARMAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Jadhavar Pratap V.

AGP for Respondents : Mrs. P.J. Bharad

...

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

DATE : 06 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard finally at the admission stage considering
urgency.

2. Petitioner has challenged judgment and order dated
10.07.2024 confiscating and invalidating her tribe certificate for
scheduled tribe 'Koli Mahadev'. She relies on certificate issued to
her father – Anil and uncle – Sanjay.

3. Learned AGP supports impugned judgment and order.
She submits that school record of Lachmanna, Gangaram and

Sunil Kumar is incompatible with the tribe claim. The Committee noticed manipulation in the school record of Sunil Kumar. It is further contended that certificates of validity were obtained by suppression of facts. The Committee has issued show cause notices to the validity holders. It is further informed that petitioner's father is not co-operating with the Committee.

4. The relationship of petitioner with the validity holder is undisputed. There was vigilance enquiry in the matter of uncle Sanjay. The school record of the relatives including oldest entry of Gangaram Lachmanna Chattarmal of the year 1951 was verified. He was issued with validity certificate by a speaking order which is still intact. Validity certificate of Sanjay corroborates tribe claim of the petitioner.

5. Though contrary entries and the manipulation are pointed out by learned AGP, we cannot independently undertake any enquiry covering that aspect of the matter. There are already two validities in the family of the petitioner. The Committee may embark on reverification to find out fraud. However, unless the validity certificates are revoked, petitioner cannot be deprived of same social status.

6. Learned AGP relies on the judgment of Deepak Balaji Rodewad Versus State of Maharashtra and others, passed by this High Court in Writ Petition No. 9274/2021. In that case, blood relatives of that petitioner were having contrary school record since 1951 and eleven such entries were pitted against him. The petitioner could not offer satisfactory explanation. In such situation, the co-ordinate bench refused to grant validity certificate to that petitioner. The facts of the case in hand are different. The judgment is not applicable in the present matter.

7. The petitioner undertakes to abide by the result of reverification and ready to run the risk as per law laid down in *Shweta Balaji Isankar Versus State of Maharashtra and others*, passed by this High Court in Writ Petition No. 5611/2018. She deserves to be issued with validity certificate, conditionally.

Hence, we pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. Impugned judgment and order is quashed and set aside.

iii. Respondent no. 2 – Scrutiny Committee shall issue tribe validity certificate to the petitioner forthwith subject to outcome of reverification of validity certificates.

iv. Petitioner's father – Anil shall co-operate with the Scrutiny Committee for reverification.

v. Petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]