



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

Writ Petition No. 7782 OF 2024

Krupa Santosh Raut
Age 18 years, Occu. Student,
Gut No.158 Near Chate School, Satara
Dist. & Taq. Chh. Sambhajinagar.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Tribal Development,
Mantralaya, Mumbai.

2. The Scheduled Tribe Certificate Scrutiny
Committee, Chhatrapati Sambhajinagar,
Through its Member Secretary.

...Respondents

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Mr. Vivekanand U. Jadhav, Advocate for the Petitioner.

Mr. V.M. Chate, AGP for Respondents/State.

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

DATE : 07 AUGUST 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides finally considering urgency in the matter.

2. The petitioner is challenging judgment and order dated

04.07.2024 passed by the Scrutiny Committee, confiscating and invalidating her tribe certificate of 'Koli Mahadev' Scheduled Tribe. According to her, validity certificate of her father Santosh Pundlik Raut was reliable one and arbitrarily discarded by the Scrutiny Committee.

3. Learned AGP supports impugned judgment and order. He would submit that the Committee is justified in rejecting caste claim considering contrary school record of close relatives, Navnath, Janka, Rukhmani, Padmini, Kisabai and Hanumant. He tenders on record original papers of validity holder Santosh to show that earlier validity holder in his matter, Dhondiram was not found in the genealogy.

4. We have considered the rival submissions of the parties. In the matter of Santosh, vigilance inquiry was conducted. The vigilance report which is on record indicates that oldest school record of Pundlik of 1949 was verified. It is further reported that Pundlik with stood affinity test. It reveals from the original papers that by a speaking order, Santosh was issued with validity certificate by the Committee. We have no iota of doubt that certificate of validity of Santosh corroborates petitioner's claim and should not have been discarded.

5. The oldest entry of Pundlik supports the petitioner's claim. The contrary entries indicated by the learned AGP are of subsequent in time. The Scrutiny Committee has proposed re-

verification of validity of Santosh. It would be open for the Committee to find out as to whether there is any fraud in issuing validity certificate to Santosh in the re-verification. Presently, the petitioner cannot be denied the social status claimed by her.

6. Petitioner is ready to run the risk as per the judgment rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. She is entitled to receive validity certificate conditionally. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly .
- b. The judgment and order dated 04.07.2024 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificate of 'Koli Mahadev' scheduled tribe to the petitioner forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- d. The petitioner shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE