IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7844 OF 2024

Mansi D/o. Sudhir Wade ... PETITIONER

VERSUS

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

2. The Scheduled Tribe Caste Certificate
Verification Committee, Chh. Sambhajinagar,
through its Member Secretary
Dist. Chh. Sambhajinagar ... RESPONDENTS

...

Advocate for petitioner : Mr. Sunil M. Vibhute
A.G.P. for Respondent Nos.1 and 2 : Mr. P.P. Dawalkar

...

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

DATE : 29.07.2024

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

The petitioner is taking exception to the judgment and order passed by respondent No.2 which is a Committee constituted under the Maharashtra Act XXIII of 2001 (herein after, the Committee), refusing to validate her 'Koli Mahadev' scheduled tribe certificate, and directing its confiscation and cancellation.

2. The petitioner intends to secure admission through CLAT 2024 from ST category in Maharashtra National Law University,

Aurangabad for the academic year 2024-2025 and the tribe validity certificate has to be submitted by 30.07.2024. Considering the exigency, we have heard both the sides finally at the stage of admission.

3. Learned advocate for the petitioner would submit that even if the Committee has opined and is about to undertake reverification of the tribe validity certificate issued to the father, brother, cousins and cousin uncle, till the time these validity certificates are not revoked by following due process of law, the petitioner cannot be treated differently. She is ready to suffer the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;WP No.6320/2017**. Therefore, irrespective and independent of the merits, the petitioner be directed to be issued with a certificate of validity.

4. Mr. Vibhute would submit that in fact, pursuant to the orders of this Court petitioner's father and cousin uncle were directed to be issued with certificate of validity. Even petitioner's brother Gaurav has been similarly granted conditional validity subject to the final outcome of the matters, the committee has decided to reopen. The Committee has issued show cause notices but it will take time and the petitioner cannot be made to wait.

5. Learned AGP strongly opposes the request. He would support the impugned judgment and order. He would submit that the petitioner has resorted to fraud, so have her father and other blood relatives while obtaining certificates of validity. Contrary record was

concealed which has been discovered during the vigilance inquiry in the petitioner's matter. Since the fraud vitiates every solemn act, the petitioner cannot be extended benefit of the validities in the family following the principles laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.;2023 SCC Online SC 326**.

6. We have heard both the sides, considered the rival submissions and perused the papers.

7. Suffice for the purpose to proceed by reiterating and bearing in mind the observations of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra), particularly in paragraph No.22, which lays down the parameters to be applied if a claimant is intending to derive the benefit of the validity certificates issued to the blood relatives.

8. With this preface, we have no manner of doubt in recording the observations that the petitioner's father was issued with certificate of validity by following due process of law. Vigilance inquiry was conducted. After threadbare scrutiny he was granted certificate of validity, scrutinizing the record collected during the vigilance inquiry. Petitioner's father was also relying upon the earlier validities in the family based on which he was held entitled to have a certificate of validity.

9. Therefore, all the parameters laid down in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra) stand duly satisfied.

Consequently, the petitioner is entitled to derive the benefit of the validities in the family.

10. True it is that the Committee has now, for the reasons recorded in the impugned order, reached a conclusion about petitioner's cousin uncle Prashant Babanrao Wade and her father Sudhir Babulal Wade having resorted to fraud while obtaining the validities. Keeping open the issue for being considered and decided by the Committee in the reopened matters of these validity holders, petitioner's real brother Gaurav was directed to be issued with a certificate of validity subject to the final out come of the matters of the validity holders which the Committee had decided to reopen.

11. The Committee does seem to have issued notice to the validity holders. However, it would be a long drawn process to reach finality. The petitioner cannot be made to wait loosing her precious years at tender age, more so when she is ready to run the risk of facing the consequences as contemplated in **Shweta Balaji Isankar** (supra).

(i) The writ petition is allowed partly.

(ii) The impugned judgment and order dated 24.07.2024 passed by the respondent/Scrutiny committee is quashed and set aside.

(iii) The respondent/Scrutiny Committee shall issue certificate of validity to the petitioner of 'Koli Mahadev' (Scheduled Tribe) immediately in the prescribed proforma without adding anything.

(iv) The said validity certificate shall be subject to out come of

reverification proposed by the committee in the matters of validity holders relied by the petitioner.

(v) The petitioner shall not be entitled to claim equity.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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