



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 WRIT PETITION NO. 8681 OF 2023

1. BINDU D/O. GANPAT BOINWAD
2. VYANKATESHWAR GANPAT BOINWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. S.M. Kulkarni
h/f. Mr. Kharosekar A.B.

AGP for Respondent Nos. 1 & 4 : Mr. S.R. Yadav-Lonikar

Advocate for Respondent No. 2 : Mr. S.B. Pulkundwar

...

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

DATE : 24 OCTOBER 2024

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

Heard both sides finally considering urgency for the petitioners.

2. The petitioners are siblings and challenging judgment and order of invalidation of their 'Koli-Mahadev-29' tribe certificates. They are relying on validity issued to their father and their real sister Bhagyashree. The self same record has already been verified and, therefore, on the ground of parity they are claiming validity certificates.

3. Learned AGP supports impugned judgment and order. He would advert our attention to incompatible school record which was not before the Committee while deciding the earlier caste claims. The incompatible school record has been traced out which is from 1959 and consistent thereafter. It is submitted that

concealment of such numerous incompatible entries and bogus school record of petitioner's father Ganpat would amount to fraud.

4. We have considered rival submissions of the parties. We have also gone through the original papers of earlier validity holder Bhayashree.

5. In case of Bhagyashree, a vigilance enquiry was conducted and the school record was verified. Her father's school record of 1957 was the oldest one. By a reasoned order, she was issued with a validity certificate. Relying on her validity her father Ganpat was also issued with a validity certificate. Unless these validities are revoked, it would be discriminatory to deny the same social status to the petitioners.

6. We have gone through the incompatible school record which is from 1959 and also the objectionable school record of petitioner's father Ganpat. That is not sufficient to infer apparent fraud so as to deny validities to the petitioners. The Committee has to undertake procedure to establish fraud. For that purpose, the notices have been issued to earlier validity holders.

4. The petitioners are ready to face consequences as per *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018. The reverification undertaken by the Committee is likely to consume some time. It is desirable to issue validity certificates to the petitioners, conditionally. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. Impugned judgment and order dated 20.06.2023 passed by respondent no. 4/Scrutiny Committee is quashed and set aside.
- iii. Respondent no. 4/Scrutiny Committee shall issue certificates of validity to the petitioners of 'Koli Mahadev-29' scheduled tribe immediately in prescribed proforma.
- iv. Same shall be subject to outcome of reverification undertaken by the scrutiny committee of the earlier validity holders.
- iv. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]