



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

WRIT PETITION NO. 8141 OF 2024

Sheetal Balaji Dhamansure .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

Shri Vivekanand U. Jadhav, Advocate for the Petitioner.
Mrs. P. J. Bharad, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 19 AUGUST, 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage as there is exigency.

2 Petitioner is questioning judgment and order dated 29.07.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating her tribe certificate. Petitioner would rely on validity certificate of her father and the record which was already verified while granting him validity. In view of revenue entry of Kashiram of 1953 and birth record of Bharatbai of 1958, she claims social status of scheduled tribe 'Koli Mahadev'.

3. Learned Assistant Government Pleader tenders on record original papers of Balaji, who is father of the petitioner, to support impugned judgment and order. She would submit that

the Scrutiny Committee has rightly rejected the tribe claim of the petitioner considering tampering of school record of Bharatbai, Suryaji and Saraswati. The validity certificate is rightly discarded by the scrutiny committee as it was obtained by suppressing material facts and by showing manipulated record. It is informed that Committee has issued show cause notice to Balaji.

4. We have considered rival submissions of the parties. With the assistance of the learned A. G. P., we have also gone through the original papers of earlier validity holder Balaji Kashiram Dhamansure. There was vigilance enquiry conducted in his case. The school record of Kamal of 1969, Tanaji of 1969, Saraswati of 1974 and Bharatbai of 1978 along with record of other relatives was verified by the vigilance cell and found to be genuine. The affinity test was also recorded in favour of Balaji. The original file reveals that by a speaking order he was issued with the validity certificate. The self same record which is already verified has been pressed into service by the petitioner. We find that validity certificate of petitioner's father was issued in accordance with law and it would enure to the benefit of the petitioner.

5. The Committee has issued show cause notice to Balaji for reverification. Unless his validity certificate is revoked, petitioner cannot be denied tribe benefits. The tampering of record of Bharatbai, Suryaji and Saraswati would be dealt with during the course of reverification. It is likely to consume some time. Till then, we are of the considered view that the petitioner

is entitled to validity certificate conditionally.

6. Petitioner is ready to run the risk of facing consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. We find that impugned judgment and order is unsustainable. We, therefore, pass following order.

O R D E R

- a. The writ petition is partly allowed.
- b. Impugned order dated 29.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c. The respondent No. 2/Scrutiny Committee shall immediately issue certificate of validity to the petitioner of 'Koli Mahadev' (Scheduled Tribe) in prescribed Proforma G without incorporating any conditions.
- d. Certificate of validity would be subject to the outcome of reverification of Balaji Kashiram Dhamansure undertaken by the Committee.
- e. Petitioner shall not be entitled to claim equities.

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