



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

WRIT PETITION NO. 8558 OF 2024

Shivani Dilipkumar Khanderao .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Omgshad B. Boinwad, Advocate for the Petitioner.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 23 AUGUST 2024.

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

. Heard finally considering exigency in the matter.

2. The petitioner is aggrieved by the judgment and order dated 29.07.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating her tribe certificate of 'Koli Mahadev' Scheduled Tribe. She relies on the validity certificates issued to her close relatives which are narrated in para 2 of the memo of petition. On the ground of parity, she claims a validity certificate.

3. The learned Assistant Government Pleader supports impugned judgment and order. He would submit that the certificates of validities issued in the family of the petitioner were obtained by suppressing material facts. The school record of Satwaji, Vimal, Tara is incompatible with the tribe claim. He would further submit that the school record of Suresh and Arjun

is found to be tampered one. According to him the certificates of validities would not enure to the petitioner.

4. We have considered rival submissions of the parties. Considering para No. 2 of the memo of the writ petition, it is noticed that there are as much as 12 certificates of validity issued to the close blood relatives of the petitioner including her father, real brother, real sister and others. There is no dispute about the relationship of the petitioner with the validity holders.

5. It reveals from record that petitioner's brother was issued with validity certificate by the order of the High Court dated 11.07.2023 in Writ Petition No. 3218 of 2022. Her real sister Nandini was issued with the validity certificate vide order dated 09.12.2020 passed in Writ Petition No. 7832 of 2020. Her cousin Shivani was issued with validity certificate by order dated 01.02.2022 in Writ Petition No. 1461 of 2022. Her another cousin Pallavi was issued with the validity certificate vide order dated 21.08.2019 in Writ Petition No. 9183 of 2019. If such is the scenario, we have no hesitation to hold that the petitioner is also entitled to receive validity on certain condition.

6. It is evident that self same record has already been scrutinized on number of occasions not only by the Committee, but also by the High Court. Validities issued to the close relatives are still intact. The committee has issued show cause notices to the validity holders. But it would take some time to arrive at conclusion in reverification. Till that period the petitioner needs to be bestowed with the validity certificate. The

contrary entries and manipulation of the school record which are indicated by the learned A. G. P. can be taken care of by the Committee while conducting reverification.

7. The petitioner is ready to run the risk of facing consequences in view of the judgment 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**. She deserves to be issued with the validity certification conditionally.

O R D E R

- A. Writ petition is allowed partly.
- B. Impugned judgment and order dated 29.07.2024 passed by the respondent No. 2/Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue caste validity certificate to the petitioner of 'Koli Mahadev' scheduled tribe immediately in prescribed proforma.
- D. The said validity certificate shall be subject to the outcome of the reverification undertaken by the respondent No. 2/Scrutiny Committee of the validity holder.
- E. The petitioner shall not be entitled to claim any equities.

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