



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 WRIT PETITION NO. 9033 OF 2024

AYUSHI VISHAL KATAMWAR

VERSUS

- 1) THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
- 2) THE SCHEDULED TRIBES CERTIFICATE SCRUTINY COMMITTEE,
KINWAT, HEADQUARTERED AT AURANGABAD

...

Advocate for the Petitioner : Mr. Boinwad Omgashad B.

Addl.G.P. for Respondents: Mr. P.S. Patil

...

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

DATE : 26.09.2024

PER COURT :

The petitioner is challenging the order of respondent no. 2-scrutiny committee in a proceeding under Section 7(2) of the Maharashtra Act XXIII of 2001, thereby refusing to validate his 'Koli Mahadev-29' scheduled tribe certificate.

2. Considering the exigency, we have heard the matter finally at the stage of admission.

3. Admittedly, as is appearing in the impugned judgment itself the petitioner has been relying upon the validities of the father, paternal uncle and cousin paternal uncle issued by the committees from time to time starting from 1997 onwards.

4. Though the committee has now decided to reopen the validities on the plea of those having been obtained by fraud, we will not be able to undertake sustainability of such inference drawn by the committee for the

reason that that the validity holders are not parties to the present petition and we do not intend to cause any prejudice to either side by undertaking that exercise in this proceeding. The law will take its own course. The committee will have to issue show cause notices to all those validity holders and take the inference to the logical end.

5. There is no dispute about the fact that these validity holders are the blood relatives of the petitioner. We have been made available original file of petitioner's uncle Vikram, who was issued with a certificate of validity based on the affidavit filed by the earlier validity holder Omprakash Ghansham Mudiraj, way back in the year 1979. Independent of the alleged fraud, when the certificate of validity was issued to Vikram by following due process of law, the petitioner is entitled to derive its benefit, however, petitioner's validity would be vulnerable in the light of the exercise the committee intends to undertake for recalling the validities. The learned advocate for the petitioner submits that the petitioner is ready to have a conditional validity and face the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017).

6. In the light of above, the writ petition is allowed partly.

7. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev-29' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to reopen.

8. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-