



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11035 OF 2021

Snehal Anil Johare,
Age : 24 years, Occ. Student,
R/o. Amkheda, Tq. Soygaon,
Dist. Aurangabad

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai – 32.
- 2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Deputy Director (R)
- 3] The Principal,
R.C. Patel Institute of Pharmacy,
Shirpur, Tq. Shirpur,
Dist. Dhule
- 4] The Registrar,
North Maharashtra University,
Jalgaon, Tq. & Dist. Jalgaon

.. Respondents

...
Advocate for petitioner : Mr. Pratap V. Jadhavar
Addl.GP for the respondent – State : Mr. A.R. Kale
...

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

DATE : 27 AUGUST 2024

ORAL ORDER (SHAILESH P. BRAHME, J.) :

We have heard both the sides finally, considering the
urgency.

2. The petitioner is challenging the judgment and order dated 28-08-2021 passed by respondent – scrutiny committee confiscating and invalidating her tribe certificate.

3. Petitioner relies on the validity certificate of her father – Anil, uncle – Sanjay and paternal side relatives – Mohitkumar and Pallavi. Learned counsel for the petitioner submits that by following due procedure of law, the certificates of validity were issued in the family of the petitioner. He tenders on record order dated 11-08-2023 passed in the matter of her cousin – Pallavi.

4. Learned AGP supports the impugned judgment and order. He would submit that the scrutiny committee has rightly discarded the validity certificate because the school record of Ashok, Sitaram and Kailash, Bharat, Bebi and Anil is incompatible with the claim. The committee also noticed tampering of record in the matter of Sanjay, Mohitkumar and Anil. The validities were obtained by suppressing earlier invalidation in the matter of Rajendra Govind Johare.

5. We have considered the rival submissions of the parties.

6. There is no dispute about the relationship of the petitioner with the validity holders. Petitioner's father – Anil and real uncle – Sanjay were issued with validity certificates. Besides that Mohitkumar and Pallavi are issued with the certificates of validity who are paternal

side relatives of the petitioner. We have also gone through the order dated 11-08-2023 passed by our Bench in the matter of Pallavi Johare in writ petition no. 10835 of 2021. We find that the selfsame record has already been scrutinized by the committee in granting validity certificates to the relatives of the petitioner. The validity certificates would enure to the benefit of the petitioner.

7. The committee discarded the validity certificate on the ground that there was invalidation of certificate of Rajendra Govind Johare.

We have already taken a view in the matter of Pallavi Sitaram Johare (writ petition no. 10835 of 2021) and Bankam Malode vs. State that invalidation cannot be said to be adverse to the tribe claim.

8. The committee has issued show cause notice to the validity holder. The submission in respect of suppression of material facts and the incompatible school record of the relative of the petitioner can be taken care of during reverification.

9. The petitioner is ready to run the risk as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017). We are of the considered view that the

petitioner deserves to be issued certificate of validity conditionally.

We, therefore, pass the following order :-

ORDER

- I] The writ petition is allowed partly.
- II] The impugned judgment and order is quashed and set aside.
- III] The committee shall forthwith issue the validity certificate to the petitioner which shall be subject to the outcome of the re-verification proposed by the scrutiny committee.
- IV] The petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/