



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO. 8951 OF 2024

SAMRUDDHI SANGAMESHWAR KALYANPAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Phatale Sagar S.
AGP for Respondents : Mr. V.M. Chate
...

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

DATE : 28 AUGUST 2024

PER COURT :

Heard the petitioner.

2. Petitioner is challenging the judgment and order of the respondent – Scrutiny Committee refusing to validate her ‘Mannervarlu’ scheduled tribe certificate and directing its confiscation and cancellation.

3. We have heard both the sides finally in view of the exigency.

4. Learned Advocate for the petitioner submits that the petitioner’s father possesses validity, which was issued by following due process of law. Besides, even her second degree cousins

Mayuri and Aniket have been held to be entitled to have validity certificates, pertinently by the orders of this Court. It is also being pointed out that in fact Mayuri had received certificate of validity first in point of time in the light of order passed in Writ Petition No. 10490/2017 (Principal Seat). Based on that, her brother Aniket was held entitled to have a certificate of validity expressly mentioning that it would be subject to the final outcome of the review to be resorted to / undertaken in the matter of Mayuri, since she was granted a blanket validity by the order of this Court.

5. He would submit that petitioner is ready to have a certificate of validity subject to the same condition and is ready to suffer the consequences as contemplated in the matter of *Shweta Balaji Isankar Versus State of Maharashtra and others*, in Writ Petition No. 5611/2018.

6. Learned AGP would endeavour to demonstrate that petitioner's blood relative by name Govind Babarao Kalyanpad had suffered invalidation. Still, he could manage to obtain a fresh certificate and got it validated. However, petitioner's father had obtained validity without disclosing invalidation of Govind. Even the petitioner did not disclose it and the Committee has now

decided to undertake reverification of the validities. She cannot be allowed to derive the benefit of fraud practised by the father. Learned AGP would also submit that Mayuri and Aniket obtained the validity certificate by resorting to fraud since Govind's invalidation was not disclosed by them.

7. We have considered the rival submissions and perused the papers. It is a matter of record that the Committee has not been disputing the petitioner being a blood relative of Aniket from the paternal side, albeit surprisingly the Committee has not referred to the validation of Mayuri who happens to be real sister of Aniket and more importantly, in spite of Aniket having been granted validity based on her validity. In spite of the fact that Aniket was directed to be issued with certificate of validity subject to the final outcome of review to be preferred in the matter of Mayuri, the impugned order conveniently omits to consider the validity of Mayuri and even the condition subject to which Aniket was held entitled to have a validity.

8. Since the validity holders against whom the Committee is attributing fraud are not before us, we do not intend to undertake any objective scrutiny of the inference drawn by the

Committee to reach such a conclusion as it would be a matter to be gone into in an appropriate proceedings.

9. We are of the considered view that there is no dispute about the blood relationship of Mayuri and Aniket with the petitioner. Since Mayuri was granted certificate of validity by the order of this Court, unless and until her validation is recalled by following due process of law, which in the circumstances could be by challenging the order of this Court in her matter or seeking a review of that order, the petitioner is entitled to have a conditional validity.

10. It is surprising that, in spite of the view of the Supreme Court in the matter of *Sayanna Versus State of Maharashtra and Others*, **2009 (10) SCC 268**, some contrary record is resorted to by the Committee behind petitioner's back. If Govind's invalidation and subsequent fraud practised by him in obtaining a fresh certificate and getting it validated, was playing on the mind of Scrutiny Committee, it would have been appropriate for the Committee, first of all, to put that circumstance to the petitioner and to have solicited some reply. Without resorting to this normal course, for the first time in the impugned order, the Committee has

come out with such improvised stand in the new record taking the petitioner by surprise and has discarded her claim. This could not have been the approach of the Committee in such serious matters.

11. Be that as it may, the impugned order in the light of validity possessed by Mayuri and Aniket, is liable to be quashed and set aside.

12. Writ Petition is partly allowed. The impugned judgment and order is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificate as belonging to 'Mannervarlu' scheduled tribe to the petitioner. This validity shall be co-terminus with the validity of Mayuri.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]