



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

WRIT PETITION NO. 9136 OF 2024

1. TANISHQ S/O SANJAY KOLGANE
2. SANSKRUTI D/O SANJAY KOLGANE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioners : Mr. Thorat Chandrakant R.

AGP for Respondents/State : Mr. N.D. Batule

...

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

DATE : 28 AUGUST 2024

FINAL ORDER [Per Shailesh P. Brahme, J.] :

. Heard both sides finally as there is a urgency for the petitioner.

2. Petitioners are the siblings and children of Sanjay Satwaji Kolgane, whose tribe certificates of Mannervarlu have been confiscated and invalidated by the Scrutiny Committee vide judgment and order dated 21.08.2024. Hence they are approaching this Court. They rely upon validity certificate of their father Sanjay and aunt – Chandrakala. According to them, after following due process of law, the validities were issued which would enure to their benefit. They are ready to run the risk in view of the judgment in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018 and they pray for conditional validity.

3. Learned AGP supports impugned judgment and order and he tenders on record original papers. He would submit that the Committee has taken reasonable and plausible view. The validity certificates were obtained by suppressing the material facts. The school record of petitioner's grandfather was found to be incompatible and school record of uncles was found to be manipulated. The Committee has therefore issued show cause notices to earlier validity holders and would conduct reverification.

4. We have considered the rival submissions of the parties and have also gone through the original papers. There is no dispute that the petitioner's father – Sanjay and real aunt – Chandrakala were issued with validity certificates by the Committee. It reveals from record that vigilance inquiry was conducted in the matter of his father. A report thereof would indicate that the school record including that of petitioner's grandfather was verified by the Committee. He withstood the affinity test. By a reasoned order he was issued with validity certificate. We find that his validity certificate was issued after following due process of law and would enure to the benefit of the petitioner.

5. The selfsame record has already been verified by the Committee. The validity certificates of petitioner's father and aunt are still intact. Though the Committee has proposed reverification of their validities, unless and until those are revoked, the petitioners cannot be deprived of the legitimate benefit of the social status.

6. Learned AGP pointed out the incompatible school record of petitioners' grandfather and manipulation of the school record of their uncles. However, we are unable to comment on that aspect of the matter in the present proceeding. It would be for the Scrutiny Committee to consider the material during the course of reverification.

7. The petitioners are ready to run the risk as per the judgment rendered in the matter of Shweta Balaji Isankar (supra). We find that the impugned judgment and order is discriminatory and unsustainable. We, therefore, pass following order.

ORDER

(i) The writ petition is partly allowed. The impugned order dated 21.08.2024 is quashed and set aside. The respondent/ Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matters which the Committee has decided to re-open.

(ii) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]