



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9247 OF 2024

Vaibhav S/o Ashokrao Tarfewad
Age : 18 years, Occu. Education,
R/o. Mukhed, Tq. Mukhed,
Dist. Nanded

.. Petitioner

Versus

The State of Maharashtra
Through its Secretary and another

.. Respondents

...
Advocate for petitioner : Mr. Sagar S. Phatale
Addl. GP for the respondent – State : Mr. P.S. Patil
...

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

DATE : 4 SEPTEMBER 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

We have heard both the sides finally and perused the record.

2. The petitioner is challenging the order of the scrutiny committee refusing to validate her 'Koli Mahadev' scheduled tribe certificate.

3. During the course of enquiry, as indicated in the impugned order, the petitioner has been relying upon the validity of one Nagkanya Shivraj Tarfewad issued by the then committee on 12-08-2011. Though the committee has now made certain comments as to the circumstances in which she was issued with the certificate of validity, we had an occasion even to consider that aspect in the matter

of Vaishnavi Ramesh Rao Tarfewad who is the petitioner's cousin as also the cousin of Nagkanya, in writ petition no. 11994 of 2023 vide order dated 31-07-2024.

4. While passing aforesaid order dated 31-07-2024, in the matter of Vaishnavi, we have specifically, after going through the file of Nagkanya, held that it was issued by following due procedure of law. The vigilance enquiry was conducted and even she could get through the affinity test. In the light of such state-of-affairs, keeping open the issue regarding Nagkanya's validity which the committee has decided to re-open, the petitioner cannot be made to wait till that inference is taken to the logical end by undertaking due process of law.

5. The impugned order is liable to be quashed and set aside and the petitioner deserves to be issued with certificate of validity, obviously subject to usual conditions.

6. The writ petition is allowed partly. Impugned judgment and order is quashed and set aside.

7. The committee shall immediately issue validity certificate to the petitioner of 'Koli Mahadev' scheduled tribe which shall be co-terminus with the validity of Nagkanya.

8. Petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/