



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 9252 OF 2024

RIYA SHRIKRISHNA BAWASKAR UNDER GUARDIAN OF FATHER
SHRIKRISHNA CHANDRABHAN BAWASKAR

VERSUS

- 1) THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
- 2) THE SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
REGION CHHATRAPATI SAMBHAJI NAGAR.

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Advocate for the Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents : Mr. V. M. Chate

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

DATE : 27.08.2024

PER COURT :

The petitioner is taking exception to the judgment and order of the respondent no.2-committee confiscating and cancelling her '*Koli Malhar*' scheduled tribe certificate.

2. We have heard both the sides finally.

3. It is quite evident that the petitioner's father possesses a certificate of validity and so does her brother Aniket. Though independent vigilance enquiry has been conducted in her matter, since it is a matter of social status and when her brother Aniket, who had faced a similar invalidation was found entitled to have a certificate of validity by the order dated 16.02.2022, in Writ Petition No. 2255/2022, in our considered view, irrespective of the stand of the committee to refuse to extend the benefit of validity on the ground that there are several contrary entries, she cannot be discriminated against. Needless to state that the petitioner will have to face the consequences contemplated in *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017).

4. As it is, there are number of validities and the committee has already made up its mind to revisit these validities on the ground of fraud. Obviously, it would take some time for the committee to take such inference to the logical end. The petitioner cannot be made to wait at the cost of her career.
5. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent no.2 - committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Koli Malhar*' 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.
6. The petitioner shall not be entitled to claim equities.
7. Parties to act upon the authenticated copy of this order.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-