



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 WRIT PETITION NO. 11372 OF 2023

- 1) Pratiksha d/o Jawansing Batale
 - 2) Rupali d/o Jawansing Batale
 - 3) Bhusan d/o Jawansing Batale
- ... **Petitioners**

VERSUS

- 1) The State of Maharashtra
and another.

...
Advocate for the Petitioner : Mr. Jadhav Vivek U.
AGP for Respondents : Mr. K.S. Patil

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

DATE : **20.06.2024**

PER COURT :

Heard both the sides finally at the stage of admission.

2. Petitioners' father Jawansing, possesses a certificate of validity dated 04.05.2011, albeit the committee has made several observations as to how and in what circumstances that would vitiate in the light of the contrary entries and the alleged manipulation in the school record.

3. Admittedly, the petitioners' father Jawansing has been issued with a certificate of validity by the then committee, and even if the present committee, for whatever reasons, is of the view that he had obtained the certificate by practising fraud and it is entitled to undertake reenquiry into his validity, till the time the certificate of validity issued to him is not recalled by undertaking due process of law, the petitioners would be entitled to have certificates of validity.

4. Pertinently, it is being stated that Jawansing was issued with a certificate of validity, *inter alia*, based on the validity granted to one Indrajeet Supdu, stated to be a second degree cousin, by the then committee. If that is so, it was imperative for the committee even to make certain observations in respect of the validity possessed by Indrajeet Supdu, more so when the genealogy before the committee is not being doubted.

5. Be that as it may, since the petitioners' father possesses a certificate of validity, which is in force and still to be recalled, the propriety demands that even the petitioners derive the benefit, albeit subject to the final outcome of the matter, which the committee apparently intends to reopen in respect of their father Jawansing.

6. The Writ Petition is allowed. Impugned order is quashed and set aside. The respondent-scrutiny committee shall issue certificates of validity to the petitioners as belonging to '*Naikda scheduled tribe*', which shall be subject to the final outcome of the matters of the validity holders, which the committee intends to reopen.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-