



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO. 9580 OF 2024

1. VAISHNAVI D/O. SUNIL SHINDE
2. VAIBHAV S/O. SUNIL SHINDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Golegaonkar Madhur A.

AGP for Respondents : Mr. R.S. Wani

...

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

DATE : 09 SEPTEMBER 2024

PER COURT :

Heard both the sides finally. As the petitioners have been allotted college, to confirm admission validity certificate is necessary.

2. The petitioners are challenging judgment and order dated 20.08.2024 passed by the respondent – Scrutiny Committee, invalidating their tribe claim. They seek to rely on validity of their father Sunil, real uncle Sanjay, aunt Ragini and cousins Akshay and Rupali.

3. Learned counsel for the petitioner tenders on record a common judgment and order passed by the Division Bench in the matter of Rupali and Akshay. It is submitted that unless the

validities issued to the blood relatives is revoked, the petitioners cannot be deprived of same social status.

4. Learned AGP supports impugned judgment and order. He would submit that the Committee has rightly discarded earlier validity certificates because they were obtained by suppressing material facts. The petitioner's validity was obtained by relying on validity of Sachin Janardhan Pardhi who was maternal side relative. Considering the tampering of school record of Sunil Uttamrao Shinde, the Committee has decided to reopen the earlier validity certificates.

5. We have considered submissions of the parties. There is no dispute that the petitioners' father Sunil, uncle Sanjay and aunt Ragini are the validity holders. It reveals from record that vigilance enquiry was conducted in the matter of Sunil. By a reasoned order, he was issued with validity certificate by the Committee. Apparently, the validity issued to petitioners' father is reliable one and should not have been discarded by the Committee.

6. Our attention is adverted to the common judgment and order dated 13 July 2018 passed by the co-ordinate bench in the matter of Rupali Sanjay Shinde and Akshay Sanjay Shinde. They

were issued with validity certificate and following observations were recorded in paragraph no. 21 :

“21. There was also reliance on the fact that the petitioners did not disclose that they belong to areas recognized as tribal areas and, thereafter, their forefathers migrated to the non-tribal area. This ground could have been considered had it been the first claim in the family of the petitioners. But, there were three previous claims. The petitioners father, real uncle and real aunt have been given tribe validity certificates. Those were not challenged and have become final. In this situation, the main focus should have been whether those certificates were wrongly issued or not. We do not find any material to hold that, those certificates were wrongly issued or not. We do not find any material to hold that those certificates were wrongly issued. It was also not proper on the part of the committee to expect pre-presidential record and at the same time hold that the admission of grand-father of petitioners in school was indicative that they were educated and not belonging to the backward scheduled tribe.”

7. The High Court in above referred matter issued blanket validity to the cousins of the petitioners. We also adopt the same reasoning and the course. It is appropriate and legal to issue blanket validity to the petitioner. In that view of the matter, impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed.
- ii. The impugned judgment and order dated 20.08.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Though it is almost 5:30 pm, the petitioners are required to submit the certificates of validity to secure

admission within stipulated period, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to ‘Koli Mahadev’ scheduled tribe in the prescribed proforma.

iv. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]