



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

53 WRIT PETITION NO. 9444 OF 2024

Pranavi d/o Shrirang Konkewad,
Age 18 years, Occ. Education,
R/o. Islapur, Tq. Kinwat, Dist.
Nanded.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra.
- 2) The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Headquarter at Chh. Sambhajinagar,
Through its Dy. Director (R),
Dist. Chh. Sambhaji Nagar.

... **Respondents**

...
Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents: Mr. S.P. Joshi

...

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

DATE : 02.09.2024

PER COURT :

Heard both the sides finally, in view of the urgency being demonstrated by the petitioner.

2. The petitioner is challenging the order of invalidation.
3. The learned advocate for the petitioner submits that in the light of the urgency, the petitioner is ready to rely upon the validity possessed by her real paternal uncle Pandurang, which was issued by following due process of law and he is ready to suffer the consequences contemplated in *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017).

4. The learned advocate for the petitioner submits that during petitioner's real paternal uncle's claim a vigilance inquiry was conducted and for a reasoned order he was held entitled to have a certificate of validity. Even the affinity test was in his favour.

5. The learned A.G.P. opposes the request, even for having a conditional validity. He would submit that petitioner's real paternal uncle Pandurang had obtained validity by practising fraud by referring to an individual as a blood relative and was banking upon his validity when in fact it is turned out that there is no relationship between the two.

6. We have gone through the original file of petitioner's real paternal uncle Pandurang. As has been observed by the committee and as is being submitted by the learned A.G.P., indeed, he was relying upon the validity of one Bharat Kishanrao Konkewad. However, there is apparently no record to establish any blood relationship between the two.

7. However, conspicuously, that was not the sole reason for the then committee to hold him entitled to have a certificate of validity. The original order passed in his matter clearly refers to the committee having scrutinized a 1947 document, which it had accepted as a favourable piece of evidence. Even the committee had applied affinity test and expressly noted about the petitioner having the traits and characteristic of '*Koli Mahadev*' scheduled tribe. If such is the state of affairs, the observation of the present committee merely to draw some inference that too as serious as fraud having been practised by the petitioner's real paternal uncle, merely by referring to the circumstance of he having relied upon the validity of Bharat, who was not related to him, in our considered view, is not legally tenable. The committee could have noticed but seems to have conveniently ignored the favourable aspects which had weighed with the then committee while holding Pandurang entitled to have a certificate of validity.

8. Be that as it may, we cannot stop the committee from undertaking the

exercise which it has expressly stated would be undertaking steps for recalling Pandurang's validity. However, the petitioner cannot be made to wait for finality of that proceeding.

9. To repeat, the petitioner's real paternal uncle Pandurang was granted certificate of validity by following due process of law and for a reasoned order and these being the parameters being laid down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, its benefit deserves to be extended to the petitioner.

10. The writ petition is allowed partly.

11. The impugned order is quashed and set aside. The respondent no. 2-scrutiny committee shall immediately issue certificate of validity to the petitioner of '*Koli Mahadev*' scheduled tribe, which shall be coterminous with the validity of his real paternal uncle Pandurang.

12. The petitioner shall not be entitled to claim any equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-