



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9536 OF 2024

Gayatri D/o Navnath Sarge
Age : 18 years, Occ. Education,
R/o : Hasala, Tq. Ausa,
Dist. Latur
Through Power of Attorney Holder
Navnath S/o Manmath Sarge
Age : 38 years, Occu. Service,
R/o. As above

.. Petitioner

Versus

The State of Maharashtra
Through its Secretary and another

.. Respondents

...
Advocate for petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.R. Yadav - Lonikar
...

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

DATE : 4 SEPTEMBER 2024

ORAL ORDER (SHAILESH P. BRAHME, J.) :

Heard both sides finally, considering the urgency shown by
learned counsel for the petitioner.

2. The petitioner is challenging the judgment and order dated
26-08-2024 invalidating her tribe certificate of 'Koli Mahadev'.

3. She is relying upon validity certificates of her father –
Navnath and second degree cousin – Vaishnavi and Rohit. Vaishnavi

and Rohit were issued with certificates of validity in pursuance of the orders passed by the High Court. He would submit that the selfsame record has already been scrutinized. The petitioner is also entitled to receive certificate of validity on the ground of parity.

4. Learned AGP would support the impugned judgment and order. He would submit that the validity certificates are rightly discarded by the committee as those were obtained by suppressing incompatible school record of the relatives of the petitioner and manipulation in the school record. It is further contended that the order of the invalidiation of Hanmant Raghu Sarge was suppressed. He would submit that the validity of Navnath is not reliable, as he was being given benefit of validity of Archana, who was not in his relation. It is further contended that a plausible and reasonable view is taken by the committee and no interference be caused.

5. We have considered the rival submissions of the parties.

6. There is no dispute that petitioner's father – Navnath was issued with validity certificate. Petitioner's second degree cousin Rohit and Vaishnavi were issued validity certificates in pursuance of the orders of this Court. We have gone through the order dated 15-01-2021 passed in the matter of Rohit in writ petition no. 9057 of 2019. We propose to adopt same reasoning and the course for

granting relief to the present petitioner. Similarly, Vaishnavi Sanjaykumar Sarge, another cousin of the petitioner was issued with validity certificate vide order dated 24-11-2021 in writ petition no. 12846 of 2021. We find that both the validities are issued after following due process of law and would enure to the benefit of the petitioner.

7. It further reveals from the original papers which are tendered by learned AGP during the course of arguments that in the matter of petitioner's father - Navnath, vigilance enquiry was conducted and it has been recorded that he withstood the test of affinity. Thereafter, by a reasoned order, he was issued with certificate of validity by the committee. His certificate would also enure to the benefit of the petitioner being issued after following due procedure of law.

8. Though there are contrary entries and tampering of the school record of few of the relatives of the petitioner, that would be subject matter of enquiry of re-verification. The committee has issued show cause notices to the validity holders and the verification is underway. Unless the earlier validity certificates are revoked, the petitioner cannot be denied the validity certificate. Neither she can be made to wait till the conclusion of the re-verification. The petitioner is ready to face the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320

of 2017). We, therefore are of the considered view that petitioner deserves to be issued with validity certificate conditionally. Hence, we pass the following order :-

ORDER

- I) Writ petition is allowed partly.
- II) The impugned judgment and order is quashed and set aside.
- III) The committee shall immediately issue tribe certificate to the petitioner of belonging to 'Koli Mahadev' scheduled tribe which shall be subject to the outcome of the re-verification being conducted by the committee.
- IV) The petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/