



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

WRIT PETITION NO. 9576 OF 2024

Vaishnavi Hanmanlu Ainalwar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri A. S. Golegaonkar, Advocate h/f Shri Madhuar A.
Golegaonkar, Advocate for the Petitioners.
Mrs. P. J. Bharad, A.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 03 SEPTEMBER, 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally as there is urgency in the matter for prosecuting further studies.

2. The petitioner is challenging judgment and order dated 29.08.2024 passed by the respondent No. 2/Scrutiny Committee invalidating and confiscating her tribe certificate of 'Mannervarlu' scheduled tribe. She relies on the validity certificate of Sneha Prakash Ainalwar and Shubham Prakash Ainalwar, who were issued with the validity certificates by orders of coordinate bench of this Court. It is submitted that when self same record has already been scrutinized, the Committee has committed perversity in discriminating the petitioner and rejecting her tribe claim.

3. The learned Assistant Government Pleader supports the

impugned judgment and order. She would submit that the Committee has arrived at appropriate conclusion considering material placed before it. It is reasonable and plausible view and no interference is called for. It is further submitted that certificates of validities issued in the family of the petitioner are not reliable as they were obtained by suppressing material facts. The committee has issued show cause notices to the validity holders.

4. It reveals from record that the relationship of the petitioner with the validity holders is not disputed. Validity holder Sneha and Shubham are paternal side blood relatives of the petitioner. Shubham was issued with the validity certificate by orders of coordinate bench of this Court in Writ Petition No. 7629 of 2018 on 24 July 2018. Considering the material placed before the Bench and by a speaking order he was directed to be issued with the validity certificate. Similar is the case with Sneha Prakash Ainalwar, who was issued with the validity certificate in pursuance to our order passed in Writ Petition No. 9353 of 2021 on 14 July 2023. In the wake of these orders passed by the High Court, we are of the considered view that the petitioner is entitled to receive validity certificate conditionally.

5. As the Committee has issued show cause notices to the validity holders and reverification is under way, the Committee would be at liberty to consider incompatible school record to find out as to whether there is any suppression of material facts or fraud played by the validity holders. At this juncture, it is

inappropriate for us to comment on the validities.

6. The petitioner is ready to run the risk of facing consequences in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. We find that impugned judgment and order as unsustainable. She is entitled to validity certificate conditionally. We, therefore, pass following order.

ORDER

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 29.08.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue caste validity certificate to the petitioner as belonging to 'Mannervarlu' Scheduled Tribe immediately in prescribed proforma.
- (iv) The validity certificate of the petitioner shall be co-terminus with reverification of the earlier validity holders .
- (v) The petitioner shall not be entitled to claim equities.
- (vi) Parties to act on authenticate copy of this order.

[**SHAILESH P. BRAHME, J.] [**MANGESH S. PATIL, J.]**
*bsb / Sept. 24***