



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9622 OF 2024

Manjiree Kiran Ankushe,
Age – 19 years, Occu. Education,
R/o. Kasgi, Tq. Omerga,
Dist. Osmanabad

.. Petitioners

Versus

The State of Maharashtra
through its Secretary and another

.. Respondents

...
Advocate for the Petitioner : Mr. Pratap V. Jadhavar
A.G.P. for the Respondents/State : Mr. S.P. Joshi
...

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

DATE : 4 SEPTEMBER 2024

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

Heard both sides finally.

2. The impugned judgment and order dated 02-09-2024 invalidating the tribe certificate of the petitioner is under challenge in this petition.

3. Petitioner seeks to rely on validity certificates issued to her uncle and other paternal side relatives. Learned counsel would point out genealogy to show relationship of the petitioner with the validity holders. He would submit that Sapna Shripati Jamadar is the first validity holder. The vigilance enquiry was conducted in her matter and

by the reasoned order the validity certificate was issued. It would enure to the benefit of the petitioner.

4. Learned AGP would support the impugned judgment and order. He would submit that the committee has rightly discarded the claim of the petitioner considering the incompatible school record and manipulation of school record in case of few of the relatives. He would submit that the validity certificate of validity holder – Sapna is not reliable as it was obtained by relying on the validity certificate of Dilip who was not her paternal side relative. According to learned AGP, by suppressing the material facts, the validity certificates were procured and, therefore, the committee has issued show cause notices to the validity holders.

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

6. It reveals from record that validity holder – Kiran is father of the petitioner. Another validity holder – Gagan is her real uncle. Sapna Shripati Jamadar, who is the first validity holder is her cousin aunt. In case of Sapna, vigilance enquiry was conducted and, thereafter, she was issued with the validity certificate. It can be seen from the original papers that by a reasoned order, Sapna was issued with certificate of validity by the committee. Apparently, validity certificates of Sapna would enure to the benefit of the petitioner.

Unless and until her validity certificate is revoked, the petitioner cannot be denied the same social status.

7. It reveals from record that Sapna was issued with certificate of validity relying on documentary evidence as well as validity of Dilip. The affidavit filed by Dilip would indicate that he was not paternal side relative of Sapna. This is the candid disclosure of Dilip. This would not amount to suppression of material facts.

8. The committee has issued show cause notices to the validity holders and re-verification is underway. The contrary entries and manipulation in the school record of relative of the petitioner can be gone into during re-verification. The selfsame record has already been considered by the committee and we find that the petitioner is also entitled to same social status. The petitioner is ready to run the risk in view of ***Shweta Balaji Isankar Vs. State of Maharashtra and others (writ petition no. 6320 of 2017)***.

9. We are, therefore, of the considered view that she deserves to be issued with certificate of validity conditionally. We, therefore, pass the following order :

ORDER

1) The writ petition is partly allowed. The impugned order is quashed and set aside.

- 2) The respondent – committee shall issue tribe validity certificate to petitioner forthwith. The validity shall be co-terminus with the validity certificates of earlier holders.
- 3) Though it is almost 6:15 pm, the petitioner having been allotted a college and is supposed to file the certificate of validity latest by tomorrow, we request the respondent – committee, to issue the certificate of validity during the course of the day as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format.
- 4) The petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/