



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 WRIT PETITION NO. 9682 OF 2024

SHRAVANI SURESH SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Boinwad Omgashad B.

AGP for Respondents : Mr. V.M. Chate

...

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

DATE : 09 SEPTEMBER 2024

PER COURT :

Heard both the sides as the petitioner has secured admission in a college and the validity certificate is necessary to retain the admission.

2. This petition is directed against judgment and order dated 02.09.2024, passed by the Scrutiny Committee rejecting the tribe claim of the petitioner.

3. Learned counsel for the petitioner submits that despite of the validities of her cousin Tushar and second degree cousin uncle Prakash, she has been denied validity by the Committee. It is contended that Prakash was issued with validity certificate by the order of the High Court. It is further submitted that in the matter of Tushar, pre-independence record of Bamnaji of 1944 was relied on. The petitioner is ready to run risk in view of *Shewta Balaji Isankar Versus The State of Maharashtra*, in Writ Petition No. 5611/2018.

4. Learned AGP would oppose the submissions of the petitioner. He tenders on record the original papers of validity holder Tushar Arvind Suryawanshi. He would submit that the Committee is justified in discarding the validity certificate because validity of Prakash Madhavrao Suryawanshi is doubtful and there is no record available to confirm his validity. It is further submitted that by suppressing incompatible school record of the blood relatives, the validities were issued in the family of the petitioner. The committee has issued show cause notices to the earlier holders. Therefore, the petition is liable to be rejected.

5. We have considered rival submissions of the parties. There is no dispute that Tushar is the cousin of the petitioner and Prakash is her blood relative. The orders in the matter of Prakash has not been placed on record by both the sides and it is informed that his record is not available with the concerned Committee. We have called for papers from High Court of Writ Petition No. 5220/1999 which was filed by Prakash. It reveals that tribe certificate of Prakash was invalidated by the Committee on 14.09.1998. Being aggrieved, he had filed Writ Petition No. 5220/1999. It was partly allowed vide order dated 28.06.2001 remitting the matter to the Committee for reconsideration. Thereafter, the Committee seems to have granted validity to him vide order dated 06.01.2003.

6. The observations of the Committee in respect of validity of Prakash are clearly perverse and incorrect. If the record of Prakash was not available, it is not understood on what basis the observations were made castigating him as if he had concealed earlier order of invalidation and had managed to have a fresh one

issued and got it validated. The Committee should not have doubted his validity in the absence of any material/foundation. From the papers of Tushar, it can be noticed that Prakash was issued with validity certificate after order of remand in his matter. There is no reason for us to discard his validity certificate.

7. We find that old record was verified which corroborates the tribe claim. The school record of Bamnaji Makkaji is of 1944 which is found to be genuine. It has greater probative value. Tushar was issued with validity certificate by a speaking order. His validity is also reliable. Surprisingly, the Committee did not deal with his validity.

8. There is sufficient material on record to corroborate the tribe claim of the petitioner. The committee ought to have issued her validity certificate on the ground of parity. The petitioner is ready to run risk in view of *Shweta Balaji Isankar* (supra). We, therefore, grant her validity . We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 02.09.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Since the petitioner is required to submit the certificate of validity to secure admission today itself and has been allotted a college at Nanded, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the

petitioner as belonging to 'Koli Mahadev-29' scheduled tribe in the prescribed proforma.

iv. The validity shall be co-terminus with the validity of the earlier holders.

v. The petitioner shall not claim equity.

vi. 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.]