



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

WRIT PETITION NO. 9803 OF 2024

Shreya D/o Sahebrao Maneboinwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.

Mrs. P. J. Bharad, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 20 SEPTEMBER 2024.

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

. Heard both the sides finally as the petitioner wants to prosecute further education on the basis of social reservation.

2. The petitioner is challenging judgment and order dated 04.09.2024 passed by the respondent No. 2/Scrutiny Committee invalidating her tribe certificate of 'Koli Mahadev' scheduled tribe. She is relying on validity certificate of her father and the self same record.

3. The learned counsel for the petitioner submits that by following due procedure of law her father was issued with the validity certificate which should not have been discarded by the Committee. Unless father's validity is revoked, the petitioner cannot be denied validity. It is further submitted that the petitioner is ready to run the risk of facing consequences as per 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.

4. The learned Assistant Government Pleader supports the impugned judgment and order. She tenders on record original file of petitioner's father – Sahebrao. It is vehemently submitted that old school entries of Poshetti Narayan Maneboinwad, Saheb Narayan Maneboinwad and Sumanbai Narayan Maneboinwad were suppressed. It was also discovered during vigilance that school record of Balaji Narayn was found to be tampered. The revenue record of Mahadu Poshetti of 1951-1952 was incompatible with the tribe claim. It is submitted that the Committee has decided to reopen the validities of earlier validity holders and this is not a fit case to grant any discretionary relief. A reliance is placed on the **judgment dated 01.11.2023** of this Court in the matter of **Deepak Balaji Rodewad Vs. The State of Maharashtra and others in Writ Petition No. 9274 of 2021**.

5. We have considered submissions of both the sides. We have also gone through the original papers of petitioner's father. There was vigilance enquiry conducted in the matter of petitioner's father. Though validity certificate of Vasant Iranna Sambutwad was referred, it was specifically mentioned that he was maternal side relative. Thereafter by a speaking order the validity certificate was issued to Sahebrao. *Prima facie*, we find that validity was issued after following due procedure of law and the petitioner is entitled to derive its benefit.

6. We are pointed out old school entries of Poshetti, Sahebrao and Sumanbai, which are not compatible with the school record and tampering of record of Balaji. Though incompatible school record is older than the record pressed into service by the petitioner, that itself cannot be a ground at this juncture to come to the conclusion that there is fraud in issuing validity certificate to the petitioner's father. Due procedure of law will have to be followed for arriving at such a conclusion.

7. In the matter of **Deepak Balaji Rodewad Vs. The State of Maharashtra and others** (supra) incompatible school record since 1951 was discovered. The explanation of the then petitioner was found to be unconvincing. On this backdrop the rejection of tribe claim was confirmed by our order. The present matter is distinguishable on facts. The ratio laid down is not applicable to the present case.

8. The learned A. G. P. submitted the validity certificate issued to petitioner's father was without proper enquiry. We cannot consider adequacy of the material which was considered while granting validity to petitioner's father. Vasant was disclosed to be maternal side relative and apparently this cannot be treated to be suppression of fact. The reverification has been proposed by the Committee. It would be open to consider the contrary material and other aspects of the matter. Unless the validity certificate of father is recalled the petitioner cannot be denied the same social status. 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** (supra). We are inclined to grant validity certificate to the petitioner conditionally. We, therefore, pass following order.

O R D E R

- a. The writ petition is partly allowed.
- b. The impugned judgment and order dated 04.09.2024 passed by the respondent No. 2 – Scrutiny Committee is quashed and set aside.
- c. The respondent No. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Koli Mahadev’ scheduled tribe in the prescribed proforma.
- d. The validity certificate of the petitioner shall be co-terminus with the validity certificates of the blood relatives of the petitioner who are facing reverification.
- e. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb / Sept. 24