



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

WRIT PETITION NO. 9883 OF 2024

ASHLESHA GOVIND KOSKEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. C.R. Thorat
AGP for Respondents : Mr. S.R. Yadav-Lonikar

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

DATE : 09 SEPTEMBER 2024

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

. Heard both the sides finally at the admission stage as the petitioner has been allotted a college.

2. The petitioner is challenging judgment and order dated 06.09.2024 passed by the Scrutiny Committee, invalidating her tribe certificate of 'Mannervarlu' scheduled tribe. She has mentioned in paragraph no.4 of memo of Writ Petition, the validities issued to her blood relatives. Out of that Prathmesh was issued with validity certificate pursuant to the order of High Court. The petitioner is ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. It is therefore prayed that conditional validity be issued.

3. Learned AGP supports impugned judgment and order. He would submit that the Committee has taken a plausible and

reasonable decision considering the incompatible school record of Gangadhar Laxman Subhash. The validities which were pressed into service were not found to be reliable one.

4. We have considered the rival submissions of the parties. The validity holders which are mentioned in paragraph no.4 of memo of petition, are figuring in the genealogy produced by the petitioner before this Court during the course of hearing. The genealogy and the relationship of the petitioner with the validity holders have not been disputed by the respondents. Cousin brother and sister were issued with validity certificates by the Committee. Out of them, Prathmesh was issued with validity certificate by High Court in writ petition no.7607/2018 vide order 24.07.2018. We have gone through the order. We propose to adopt the same course and reasoning. The petitioner is also entitled to receive validity on the ground of parity.

5. The selfsame record has already been scrutinized on earlier occasion by the Committee. Unless those validities are revoked, the petitioner cannot be denied the same social status. Though reverification is under way, the petitioner cannot be deprived of conditional validity. She is ready to run risk in view of Shweta Balaji Isankar (supra). We are of the considered view that she has made out a case for receiving conditional validity.

ORDER

- i. The writ petition is allowed partly.

ii. The impugned judgment and order dated 06.09.2024 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 Pune, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Mannervarlu’ 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 equities.

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.]