



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO. 9948 OF 2024

YOGITA ANANDA PARODWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Phatale Sagar S.

AGP for Respondents : Mr. R.S. Wani

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

DATE : 12 SEPTEMBER 2024

PER COURT :

Heard both the sides finally considering exigency for the petitioner.

2. Being aggrieved by judgment and order dated 19.08.2024 passed by the respondent no. 2 – Scrutiny Committee invalidating the tribe certificate of the petitioner, present petition is filed. The petitioner relies on validity certificates issued to her cousins by orders of the High Court. She claims that she is entitled to receive validity certificate on the ground of parity. It is further submitted that she is ready to face the consequences as contemplated by *Shweta Balaji Isankar Versus State of Maharashtra and others*, in Writ Petition No. 5611/2018. The impugned judgment is discriminatory and arbitrary.

3. Per contra, learned AGP supports impugned judgment and order. He would submit that the validities issued in the family

of the petitioner are rightly discarded by the Committee considering incompatible school record, suppression of material facts and order of invalidation passed in the matter of Madhav Govind Parodwad. It is submitted that the Committee has issued show cause notices to the earlier validity holder and, therefore, petitioner is not entitled to issue any validity certificates.

4. We have considered the submissions of the parties. There is no dispute about the relationship of the petitioner with the earlier validity holders. The genealogy placed on record would indicate that petitioner's cousins namely Sumeet, Swarnmala, Swapnil, Pravin and Pawan are issued with validity certificates. Her real uncle Bhanudas has also been issued with a validity certificate. Our attention is adverted to the order dated 29.01.2021 passed in the matter of Sumeet Bhanudas Parodwad in Writ Petition No. 1758/2021 granting him validity by considering the self same record. Similarly, real uncle of the petitioner and her cousins were issued with validity certificates by a common judgment and order dated 07.08.2023 passed by us. It is evident that the self same record has already been verified while granting validity to the blood relative of the petitioner. We are of the considered view that the petitioner is also entitled to have validity but on certain conditions.

5. Learned AGP referred to order of invalidation in the matter of Madhav Govind Parodwad. We have consistently held that the order of invalidation cannot be said to be adverse to the claimant because it operates as an order in personum. The

incompatible school record which is pointed out by learned AGP, can be dealt with during reverification. The Committee has decided to undertake reverification and show cause notices are issued. Till the earlier validity certificates are revoked, the petitioner cannot be denied benefit of same social status. The petitioner undertakes to face the consequences as contemplated by *Shweta Balaji Isankar* (supra). It is desirable to issue validity certificate to her, conditionally. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 19.08.2024 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 within stipulated period, 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 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.]