



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

WRIT PETITION NO. 10201 OF 2024

RUTUJA SURESH GAJEWAD

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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Advocate for Petitioner : Mr. Phatale Sagar S

AGP for Respondents/State : Mr. R.S. Wani

...

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

DATE : 25 SEPTEMBER 2024

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

. Heard both the sides finally considering the exigency.

2. This petition is directed against the order of invalidation passed by the Scrutiny Committee. The petitioner seeks to rely on validity certificates of her father – Suresh, cousins Mrugnayana Gajewad and Mahesh Gajewad. It is submitted that Mrugnayana and Mahesh were issued with validity certificates pursuant to the orders of the High Court. It is further submitted that petitioner's father was also issued with validity certificate by following due procedure of law and considering the old record. The certificate of validity would enure to the benefit of the petitioner and wrongly discarded by the Committee. The petitioner is ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. State of**

Maharashtra and Others in Writ Petition No.5611/2018 and therefore she is entitled to receive conditional validity.

3. Learned AGP supports the impugned judgment and order. He would submit that the Committee has taken plausible and reasonable view. The validity is rightly discarded as during the vigilance inquiry, incompatible school record of Girjabai Ganpati Gajewad and Baliram Ramji Gajewad was noticed. It is further pointed out that the tampering of school record was found in the case of Haribai Ganpati Gajewad. No proper inquiry was conducted while issuing validity certificate to the petitioner's father and reliance was placed on the validity of a person who was not related to him.

4. We have considered the rival submissions of the parties. The relationship of the petitioner with the validity holders is not disputed. Petitioner's father is the first validity holder in whose case there was vigilance inquiry conducted by the Committee. During it old record including that of 1962 of Venkati Ganpati Gajewad was relied upon and verified. By speaking order, he was issued with validity certificate. Apparently the validity certificate issued to the petitioner's father, was issued in accordance with law, would enure to the benefit of the petitioner.

5. It further reveals that the cousins of the petitioner, Mrugnayana and Mahesh were issued with validity certificates pursuant to the orders of this Court. We have gone through the order

passed on 03.07.2019 in the matter of Mrugnayana in Writ Petition No.957/2019 as well as order in the case of Mahesh, passed on 20.02.2023 in Writ Petition No.1946/2023. We are of the considered view that the selfsame record has been taken into account on earlier occasion and the validities were issued to the cousins. These validities would also enure to the benefit of the petitioner.

6. Unless the validity certificates issued to the blood relatives of the petitioner, are revoked, petitioner cannot be deprived of same social status. The incompatible school record can be taken into account during the course of reverification. In case of petitioner's father the documentary evidence was also taken into account while issuing him validity certificate and it was not solely issued on the basis of validity of Shrihari Gana. The same would also in the subject matter of reverification.

7. The reverification is underway. The petitioner is ready to face consequences as contemplated in the matter of Shweta Balaji Isankar (supra). It is desirable to issue validity certificate conditionally. We, therefore, pass the following order.

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 05.09.2024 passed by the respondent no.2/ Scrutiny Committee is quashed and set aside.

- iii. 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. The validity shall be subject to the outcome of reverification proposed by the Committee.
- iv. The petitioner shall not claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..