



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

WRIT PETITION NO. 10446 OF 2024

Shraddha Ganesh Ingale .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Deepak D. Choudhari and Shri R. B. More, Advocates for
the Petitioner.

Shri Sarang P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 09 OCTOBER 2024.

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

. Heard both sides finally considering exigency in the matter.

2. This petition is directed against judgment and order dated 19.09.2024 passed by the respondent No. 2/Scrutiny Committee invalidating and confiscating the tribe certificate of the petitioner as belonging to 'Koli Malhar' scheduled tribe. The petitioner is relying on validity certificates of her father and real uncle Pramod. She is also placing reliance on old revenue record which corroborates her claim for the scheduled tribe 'Koli Malhar'.

3. The learned Assistant Government Pleader supports the impugned judgment and order by tendering on record original papers of the Scrutiny Committee. He would submit that the

school record of petitioner's grandfather Bhika and aunt Meerabai is incompatible. Besides that the tampering of the school record of Meerabai and Tarabai was traced out during vigilance. The Committee is justified in discarding the validity certificates. The Committee has issued show cause notices to earlier validity holders.

4. We have considered submissions of the parties. The petitioner's father Ganesh is the first validity holder. In his case vigilance enquiry was conducted. The school record was verified. He could get through the affinity test. By a speaking order the Committee issued him validity certificate. The school entry of the petitioner's grandfather Bhika Khandu of 1965 corroborates his claim. We find that validity of his father is reliable and cannot be discarded for the reasons recorded by the Committee.

5. It reveals from record that the revenue record of 1954-55 and 1955-56 of great grandfather – Khandu supports the petitioner's claim. In the vigilance enquiry it was found to be genuine. Being old record it has greater probative value.

6. Unless the earlier validities are revoked, the petitioner cannot be deprived of same social status. The Committee has already proposed reverification. The incompatible and tampered school record can be considered during the reverification. The petitioner is ready to face consequences in view of 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. In that view of the matter, he deserves to be issued with the conditional validity. We therefore, pass following order.

O R D E R

- i) The writ petition is partly allowed.
- ii) The impugned judgment and order dated 19.09.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- iii) The respondent No. 2/Scrutiny Committee shall issue validity certificate to the petitioner as belonging to 'Koli Malhar' scheduled tribe immediately in prescribed proforma.
- iv) The validity of the petitioner shall be subject to outcome of the reverification undertaken by the scrutiny committee of the validity holder.
- v) The petitioner shall not be entitled to claim equities.

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

bsb/Oct. 24