



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10600 OF 2024

ANIKITA IRAPPA KASLOD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. C.R. Thorat
AGP for Respondents : Mr. R.S. Wani

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

DATE : 27.09.2024

PER COURT [*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, confiscating and invalidating tribe certificate of the petitioner. The petitioner is relying on the validity certificate of her father, cousin uncles and aunt.

3. Learned counsel for the petitioner submits that her father was issued with validity certificate after following due procedure of law. Her cousin uncle Sanjay Bhumanna Kaslod is the first validity holder whose validity is also reliable. The Scrutiny Committee arbitrarily discarded validities of father, Sanjay and Poshetti. It is submitted that petitioner is ready to face the consequences in view of *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018.

4. Learned AGP supports impugned judgment and order. He tenders on record original papers of first validity holder Sanjay Bhumanna Kaslod. The validity certificates of petitioner's father Irappa and her cousin uncles namely Sanjay, Sahebrao, Poshetti and aunt Minakshi, are rightly discarded.

5. The tribe certificate of Sanjay Bhumanna was invalidated by the Committee initially. He had preferred writ petition which resulted in remand of the matter. After remand, he was issued with validity certificate by speaking order. His validity is still intact. In case of petitioner's father Irappa, a vigilance enquiry was conducted. Old record of petitioner's grandfather of 07.07.1954, was verified amongst other entries and found to be genuine. A vigilance report further reveals that affinity test was recorded in his favour. Thereafter, by reasoned order Committee issued validity certificate. The certificates of validities of Sanjay and petitioner's father have been issued by following due process of law and would enure to the benefit of the petitioner.

6. Besides that, Poshetti Shivaji Kaslod who is also paternal side relative of the petitioner holds validity. In his case also, there was vigilance enquiry and reasoned order was passed by the Committee issuing him validity certificate. His certificate also corroborates tribe claim of the petitioner.

7. The incompatible school record of father of the petitioner and cousin uncle as well as tampering of the school record led the Committee to issue show cause notices to the earlier validity holders. The reverification is underway and it would be open for the Committee to consider the contra record as well as

other material to come to conclusion of suppression of material facts or fraud. Till the earlier validities are intact, the petitioner cannot be deprived of validity certificate. The petitioner is ready to face the consequences. It is desirable to issue validity certificate conditionally. We, therefore, pass following order :

ORDER

- 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 'Mannervarlu' scheduled tribe immediately in prescribed proforma.
- iv. The validity of the petitioner shall be subject to outcome of the reverification undertaken by the respondent No. 2 of the validity holders.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]