



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10900 OF 2024

Gayatri d/o Nankumar Zunjare
through natural guardian i.e. father
Nankumar s/o Anantrao @ Anantram Zunjare ... PETITIONER

VERSUS

1. The State of Maharashtra
through it's Secretary
Tribal Development Department
Mantralaya, Mumbai - 32

2. Scheduled Tribe Certificate
Verification Committee Kinwat
HQ. Chhatrapati Sambhajnagar
near CIDCO Bus Stand, Chhatrapati Sambhajnagar
Dist. Chhatrapati Sambhajnagar
through its Deputy Director ®
and Member Secretary

...RESPONDENTS

...
Advocate for petitioner : Mr. Thorat Chandrakant R.
AGP for respondent/State : Mrs. S.S. Joshi
...

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

DATE : 04.10.2024

ORDER (MANGESH S. PATIL, J.) :

The petitioner is challenging the order of the respondent
No.2 – Scrutiny Committee refusing to validate her 'Koli Mahadev'
scheduled tribe certificate by the judgment and order dated 01.10.2024.

2. In the wake of the fact that she intends to secure admission
against a reserved seat through the ongoing process of NEET (UG)-2024,

we have taken up the matter for final disposal at once, with the consent of both the sides.

3. The learned advocate for the petitioner submits that petitioner's real uncle Laxman Anantrao Zunjare possesses a certificate of validity. Even her brother Dhananjay has been issued with a certificate of validity. In fact Laxman had faced invalidation. The matter was remanded by this Court by setting the order aside. A fresh inquiry was undertaken and he was ultimately held entitled to have a certificate of validity by the speaking order dated 27.06.2007. Since due process of law was followed, applying the principles laid down in the **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326** the petitioner is entitled to derive its benefit.

4. Learned advocate would submit that even if the committee has now decided to undertake review of the judgment in the matter of Laxman on the ground of fraud, she is ready to run the risk of facing the consequences as laid down in **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.; WP No.6320/2017**.

5. The learned advocate would further submit that apart from the aforementioned validities, subsequently, Laxman's daughters Pratibha and Sonali and petitioner's paternal aunt Nirmala has also been issued with certificate of validity and the petitioner cannot be treated differently.

6. Learned AGP would submit that the committee has assigned

cogent reasons to substantiate its inference about the earlier validity holder Laxman having obtained certificate of validity by concealing four contrary entries in the school record, wherein, the school record of his own that of petitioner's father Nankumar and two paternal aunts of the petitioner, wherein, they were described as 'Koli' were concealed and the petitioner is entitled to derive the benefit of such fraud.

7. We have considered the rival submissions and perused the papers including the original file of Laxman and that of the petitioner. It is abundantly clear that Laxman was initially unable to obtain the certificate of validity as his claim was dismissed on 19.10.1995. He challenged the decision before this Court and by the order dated 30.11.1998 the matter was remanded permitting him to lead documents and other materials. A vigilance inquiry was conducted including 1341 Fasli birth register, wherein, in the caste column of his father Anantram was described as 'Koli Mahadev'. A speaking order was passed. It is thus abundantly clear that he was not issued with a certificate of validity merely for asking but by following due process of law. Even the vigilance officer in his report submitted to the committee had expressly stated about having verified the original birth record from the Tahsil office, Kalamb, wherein, the entries were made in 'Modi' script and he could get those translated and without expressing any doubt about its genuineness.

8. In view of such state of affairs, when Laxman was issued with certificate of validity by following due process of law all the

parameters laid down in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra) stand fulfilled and the petitioner is entitled to derive its benefit.

9. The writ petition is partly allowed. The impugned order dated 01.10.2024 passed by the respondent No.2/Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

10. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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