



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

Writ Petition No. 11185 Of 2024

Anushka Dashrath Koli

...Petitioner

Versus

1. The State Of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, Head Quarter Kinvat
Chhatrapati Sambhajinagar,
Through its Deputy Director (R).

...Respondents

...

Advocate for Petitioner : Mr. Jadhavar Pratap V.

AGP for Respondents : Mr. N.S. Tekale

...

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

DATE : 23 OCTOBER 2024

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

. Heard both the sides finally considering urgency in the matter.

2. This petition is directed against judgment and order dated 04.10.2024, invalidating the tribe certificate of the petitioner. She is relying on validities of her father – Dashrath and cousin grandfather - Manik. Her father was issued with validity certificate after following due procedure of law and therefore, it is submitted that the validity would enure to the benefit of the petitioner. The petitioner is ready to run risk in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018 and therefore she is entitled to conditional validity certificate.

3. Learned AGP supports impugned judgment and order. He tenders on record the original papers to show coloured photocopies of incompatible school record. He would submit that the Committee has rightly rejected the tribe claim. The validities upon which reliance is placed by the petitioner, were obtained by suppressing material facts. There was incompatible school record.

4. We have considered the rival submissions of the parties. Petitioner's father is the validity holder. In his case, vigilance inquiry was conducted. We have gone through the report of vigilance inquiry. He was issued with validity certificate by a reasoned order. The validity of her father appears to have been issued after following due procedure of law.

5. The learned AGP has adverted our attention to the school record of the blood relatives of the petitioner and for that purpose coloured photocopies are shown for tampering of the record. During vigilance inquiry, the record was verified from concerned school and it was found to be not reliable one. Petitioner's father's validity is intact and unless that is revoked, the petitioner cannot be deprived of same social status. The incompatible school record by itself would not amount to fraud in the present proceeding. The Committee has to undertake reverification to find out as to whether there is fraud or suppression of material facts.

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

ORDER

- a. The writ petition is partly allowed.
- b. The impugned judgment and order dated 04.10.2024 passed by respondent no.2/Scrutiny Committee is quashed and set aside.
- c. 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.
- d. The validity certificate of the petitioner shall be co-terminus with the validity certificates of the blood relatives of the petitioner who are facing reverification. The order having dictated in presence of the learned AGP and the Law Officer of the Committee, they shall immediately communicate this order to the Committee.
- e. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..