



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

WRIT PETITION NO. 12022 OF 2024

Aishwarya Gangadhar Totawar
through power of attorney holder
Gangadhar Hanmanlu Totawar .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. R. Yadav Lonikar, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 25 OCTOBER 2024.**

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

. Heard both sides finally considering urgency to the petitioner.

2. This petition is directed against judgment and order dated 22.10.2024 passed by the respondent No. 2/Scrutiny Committee thereby invalidating her tribe certificate as belonging to 'Mannervarlu' scheduled tribe. She is relying on validity certificates of her father and uncle Gangaprasad. It is submitted that after following due procedure of law and considering relevant record they were issued with validity certificates. In view of the judgment of the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in *2023 SCC Online SC 326*, she is

entitled to derive benefit of the validity of Gangaprasad. It is further submitted that she is ready to face consequences as contemplated 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.**

3. The learned Assistant Government Pleader supports impugned judgment and order. He tenders on record original papers. He would point out from the coloured photo copy to show tampering of the school record of the blood relatives of the petitioner. It is vehemently submitted that this is a case of apparent fraud, which was not disclosed when validity was issued on earlier occasion to Gangaprasad. The committee has proposed reverification and, therefore, it is not desirable to exercise any discretion in favour of the petitioners.

4. We have considered rival submissions of the parties. We have gone through the coloured photo copies of school record and other relevant documents. The petitioner is relying on validity issued to her father and uncle. Her uncle Gangaprasad is the first validity holder. A vigilance inquiry was conducted in his matter. By a reasoned order he was issued with validity certificate by the Committee. Thereafter petitioner's father was issued with the validity certificate. Apparently both the certificates were issued after following due procedure of law and they would corroborate the petitioner's claim as per the law laid down by the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others

(supra).

5. The learned A. G. P. adverted our attention to vigilance report and the school record of the petitioner's grandfather Hanmalu. We have gone through the coloured photo copy also. There is room to raise doubt about the school record. However a threadbare enquiry is needed to prove alleged fraud. By the superficial enquiry it is not possible to arrive at a conclusion in the present proceeding that a fraud has been practised to procure the validity. Similar is the case with incompatible school record referred to in the impugned judgment.

6. The Committee has decided to undertake reverification of earlier validities. It would be open for the Committee to consider incompatible and tampered school record during reverification. The petitioner is ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra). She deserves to be issued with the validity certificate. We, therefore, pass following order.

O R D E R

- (i) The writ petition is allowed partly.
- (ii) The impugned order dated 22.10.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu'

scheduled immediately in the prescribed proforma.

(iv) The validity certificate of the petitioner shall be subject to outcome of reverification of the validities of earlier validity holders.

(v) The petitioner shall not be entitled to claim equities.

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

bsb/Oct. 24