



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 WRIT PETITION NO. 13794 OF 2023

SHUBHANGI SHIVAJI YASHWANT
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND ANOTHER

...
Advocate for petitioner : Ms. Vishakha Patil h/f. Talekar and Associates
AGP for the respondent – State : Mr. S.P. Joshi
...

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

DATE : 30 JULY 2024

ORAL ORDER (SHAILESH P. BRAHME, J.) :

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

2. The petitioner is challenging confiscation and cancellation of her tribe certificate vide order dated 04-10-2023 passed by the respondent - scrutiny committee.

3. Petitioner relies upon the validity certificate issued to her brother – Shubham and second degree cousin uncle – Hanumant. The order passed in the matter of Shubham in writ petition no. 1290 of 2022 dated 17-02-2022 is placed on record.

4. We have gone through the genealogy. The validity holder – Shubham is real brother of the petitioner. High Court has granted him validity certificate on certain conditions vide order dated

17-02-2022 passed in writ petition no. 1290 of 2022. The petitioner is relying upon the selfsame record in support of her claim. Once this Court had an occasion to consider the record, the petitioner is entitled to receive the validity certificate on the ground of parity.

5. Learned advocate for the petitioner submits that petitioner is ready to abide by the conditions as stipulated in the matter of ***Shweta Balaji Isankar Vs. State of Maharashtra and others (writ petition no. 6320 of 2017)***. In that view of the matter, the petitioner can be issued with validity certificate, however, with certain conditions. We are of the considered view that the impugned judgment and order is unsustainable.

6. Therefore, we pass following order :-

- I) The impugned judgment and order is quashed and set aside.
- II) Respondent - scrutiny committee shall issue tribe validity certificate to the petitioner which shall be subject to the reverification proposed by the scrutiny committee.
- III) The petitioner shall not claim equities.

7. Writ petition is allowed partly.

[**SHAILESH P. BRAHME**]
JUDGE

[**MANGESH S. PATIL**]
JUDGE

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