



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13941 OF 2023

Gangabai D/o Prakash Pujalwar
Age : 25 years, Occu. Education,
R/o. Tamlur, Tq. Degloor,
Dist. Nanded

.. Petitioner

Versus

The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai and others

.. Respondents

...
Advocate for petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. V.M. Chate
Advocate for respondent no. 3 : Mr. S.B. Kakde
Advocate for respondent no. 4 : Mr. S.D. Joshi
...

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

DATE : 27 AUGUST 2024

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

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

2. The petitioner takes exception to the judgment and order dated 17-10-2023 passed by the respondent – scrutiny committee, invalidating her tribe certificate.

3. She relies on validity certificates issued by High Court to her paternal side relatives, namely, Sanket, Nikita and Shaswat. Besides that, it is submitted that other relatives were also issued with the validity certificates by the Committee. On the ground of parity, it is contended that the petitioner is also entitled to receive the validity certificate conditionally.

4. Learned AGP supports the impugned judgment and order. He would submit that the school record of the close relatives of the petitioner is incompatible with the tribe claim. The validity certificates are rightly discarded by the scrutiny committee. The committee has issued show cause notices to the validity holders.

5. We have considered the rival submissions of the parties.

6. There is no dispute about the relationship between the petitioner and the validity holders. We have carefully perused the genealogy. The validity holders are seen in the genealogy. It reveals from the record that Shaswat Vijay was issued with validity certificate by order dated 30-08-2023 in writ petition no. 10657 of 2023. Similarly, Nikita and Sanket were issued with the validity certificates by order

dated 01-09-2023 passed in writ petitions no. 7754 of 2021 and 8206 of 2021. In the wake of the validities issued by the High Court, we are of the considered view that the petitioner is entitled to the same status.

7. The committee has proposed re-verification and issued notices to the validity holders. During the course of re-verification, the committee would be at liberty to consider the tampering of the record and contrary record, so as to ascertain whether there is fraud or suppression of material facts. Till then, the petitioner is entitled to receive the validity certificate. The petitioner is ready to run the risk in view of ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017). In this scenario, we find that the impugned judgment and order is unsustainable.

8. We, therefore, pass the following order :

I] The writ petition is partly allowed.

II] The impugned judgment and order is quashed and set aside.

III] The respondent – committee shall forthwith issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu'

scheduled tribe subject to the outcome of the proposed reverification by the committee.

IV] The petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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