



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

**WRIT PETITION NO. 15087 OF 2023**

Gayatri d/o Anil More @  
Gayatri w/o Sachin Sapkal .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri O. B. Boinwad, Advocate for the Petitioner.  
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 22 OCTOBER 2024.**

**FINAL ORDER :**

. Heard both the sides finally. The petitioner wants to prosecute further studies, on the basis of tribe validity certificate.

2. This petition is directed against the judgment and order dated 24.11.2023 passed by the respondent No. 2/Scrutiny Committee invalidating petitioner's tribe certificate of 'Koli Malhar' scheduled tribe. The petitioner is relying on the validity of her real uncle Sunil Eknath More and old record of her grandfather Eknath Shripat More.

3. Learned counsel for the petitioner submits that validity of her uncle was issued by following due procedure of law and it would enure to her benefit. Unless earlier validity is revoked the

petitioner cannot be discriminated by denying the same social status. It is further submitted that the petitioner is ready to face the consequences as per the judgment 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.**

4. Learned Additional Government Pleader supports the impugned judgment and order. The original papers of the petitioner and earlier validity holder are placed on record. He would submit that during vigilance tampering of school record of blood relatives of the petitioner was traced out. No proper verification was conducted when petitioner's uncle was issued with the validity certificate. It is further submitted that in the reply of the petitioner to the vigilance report incompatible school record pitted against her was not dealt with. The learned Addl. G. P. would advert our attention to the photo copies of incompatible school record to show that it was a fraud on the part of the claimant.

5. We have considered rival submissions of the parties and we have also gone through the relevant original papers.

6. It is not disputed that petitioner's real uncle Sunil was issued with a validity certificate. A vigilance enquiry was conducted. The school record of her grandfather of 1960 which was the oldest one, was found to be genuine. By a reasoned order he was issued with a validity certificate. Apparently, we notice that due procedure of law was followed while granting him

validity.

7. The petitioner is relying on her grandfather's school record is of 1960. It was verified during vigilance inquiry in the present matter. Head master of the concerned school reported that word 'Malhar' was subsequently added in different ink. The coloured photo copy was not secured by the respondent/committee to verify the report of the Head Master. We find that there is photo copy of school record of Chindhaji Rama and Sanjay procured from the same school. It is incomprehensible as to why photo copy of grandfather's record could not be procured. This creates doubt about the objection raised to the grandfather's record.

8. The validity of petitioner's uncle is intact. It is under reverification. Unless it is revoked, the petitioner cannot be deprived of same social status. The incompatible school record can be considered during reverification. We find that there is no overwhelming evidence to arrive at this juncture that a fraud has been committed by the claimant.

9. The petitioner is ready to face the consequences as per judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra). It is desirable to issue her validity certificate conditionally. We, therefore, pass following order :

**O R D E R**

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 24.11.2023 passed by the respondent No. 2/Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall issue certificate of validity to the petitioner as belonging to 'Koli Malhar' scheduled tribe immediately in prescribed proforma.
- (iv) The certificate of validity of the petitioner shall be subject to reverification of the validity certificate of the validity holder relied by the petitioner.
- (v) The petitioner shall not be entitled to claim equities.

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

*bsb / Oct. 24*