



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11996 OF 2018

TEJASWINI MUKUNDRAO TAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. U.B. Gite h/f. Ms. P.Y. Sarnaik
AGP for Respondent Nos. 1 to 3 : Mr. A.R. Kale

...

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

DATE : 23 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard both sides finally, considering exigency in the matter.

2. The petitioner is assailing judgment and order dated 12.10.2018 passed by the respondent no. 2 – Scrutiny Committee, confiscating and invalidating tribe certificates of the petitioners. They are siblings and daughters of validity holder Mukundrao Daulatrao Tawar. They rely on validity certificates of their father, real sister Rashmi and Durvesh. Durvesh was issued with validity certificate by intervention of High Court in Writ Petition No. 12527/2019 vide order dated 15.12.2023. It is further contended that one of the validity holders Sharad was issued with show cause

notice for cancelling his validity certificate and it was dropped by Committee vide order dated 06.06.2024.

3. Learned AGP supports impugned judgment and order. He would submit that the Scrutiny Committee has rightly discarded the validity certificate. The Committee has found that petitioners are not related to validity holders Sharad, Anupama, Deepali and Leena. The validity certificates of Mukund and Rashmi are discarded because banking on the orders passed by the High Court in the matter of Shrikant Hilal Sainade, they were issued with validity certificates but he was not related to them. It is further contended that the Scrutiny Committee has taken reasonable and plausible view and no interference is called for.

4. We have considered submissions of the parties. Petitioner's real sister Rashmi and father Mukundrao are the validity holders. It transpires that self-same record has already been scrutinized earlier to grant them validity. One Durvesh Sharad Pawar was issued with validity certificate by co-ordinate bench in Writ Petition No. 12527/2019 vide judgment and order dated 15.12.2023. The genealogy produced in his matter would disclose the names of Mukundrao and Tejaswini. By reasoned order and considering the relevant material, the co-ordinate bench

issued him validity certificate. We propose to adopt same course and reasoning. We find that petitioners are entitled to receive validity certificates.

5. It transpires that Durvesh's father Sharad was issued with show cause notice for cancellation of his validity certificate. He contested it. By order dated 06.06.2024, the Scrutiny Committee dropped the show cause notice by speaking order. In the wake of the order, we are of the considered view that the petitioners are entitled to validity certificates without there being any condition. The impugned judgment and order is liable to be quashed and set aside. We, therefore, pass following order:

ORDER

- i. Writ Petition is allowed.
- ii. The impugned judgment and order dated 12.10.2018 is quashed and set aside.
- iii. The Scrutiny Committee shall issue tribe validity certificate of 'Tokre Koli' scheduled tribe to the petitioners forthwith.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]