

(2022) 09 BOM CK 0061

In the Bombay High Court

Case No : Writ Petition No.2685 Of 2022

Shravani D/O Ganesh Wankhede

APPELLANT

Vs

State Of Maharashtra And Others

RESPONDENT

Date of Decision : 16-09-2022

Acts Referred:

Citation : (2022) 09 BOM CK 0061

Hon'ble Judges : Sunil B. Shukre, J;G. A. Sanap, J

Bench : Division Bench

Advocate : R.S. Parsodkar, K.S. Joshi, Abhinav Pannase

Final Decision : Allowed

Judgement

Sunil B. Shukre, J

1. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2. It is seen that there are two validity certificates issued by the Scrutiny Committee at Aurangabad to the paternal relatives of the petitioner; one in favour of Gajanan Kishanrao Wankhede, the paternal uncle; and the other in favour of Sunita Kishanrao Wankhede, the paternal aunt. These validity certificates have been rejected by the respondent No.2- Scrutiny Committee at Amravati on the ground that they were issued by the Scrutiny Committee at Aurangabad, which did not have any jurisdiction over the native place of these two paternal relatives. The ground of rejection put forth in the impugned order is illegal, as there is no law which restricts the validity certificate only to the area over which the Scrutiny Committee has its jurisdiction. Once the validity certificate is granted to a claimant, it becomes a conclusive proof of the social status acquired by that person for all purposes and in any territory where such proof is required to be submitted. Therefore, such validity certificates can also be used as having sufficient evidentiary value in the caste or tribe claim raised by the other paternal relatives of a person in whose favour those certificates are

issued. We, therefore, find that the reasoning adopted by the Scrutiny Committee is wrong and we are also of the view that only on the basis of the validity certificates issued in favour of the paternal relatives of the petitioner, the petitioner is also entitled to have his tribe certificate validated by the Scrutiny Committee, especially when it has not been shown that these validity certificates have been revisited on the ground that they were obtained by fraud or by making misrepresentation or by suppressing material facts having a bearing on the claim made by these paternal relatives of the petitioner.

3. The petition is, therefore, allowed in terms of prayer clause (1). The Scrutiny Committee, Amravati, is directed to issue a validity certificate to the petitioner as belonging to 'Thakur', Scheduled Tribe within a period of three weeks from the date of this order.

4. Rule is made absolute in above terms. No costs.