IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9969 OF 2018

Shrinivas s/o Balajirao Padalwar,
Age: 24 years, Occu: Education,
R/o Eklara, Tq. Mukhed,
Dist. Nanded Petitioner

Versus

1 Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
through Its Member Secretary

2 Maharashtra Council for Agricultural
Education & Research, Pune
132/B, Bhamburda, Bhosale Nagar,
Pune – 411 007
through Its Director

3 College of Agriculture
Latur, Nanded Road, Latur
Dist. Latur
through Its Dean/Principal Respondents

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Mr. M.S. Deshmukh advocate for petitioner
Mr. P.S. Patil, Assistant Govt. Pleader for Respondents

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CORAM : **R.M. BORDE AND**
MANGESH S. PATIL, JJ

Date :30th AUGUST, 2018

ORAL JUDGMENT
(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken-up for final decision at admission stage.

3 The petitioner claims to belong to *Mannerwarlu*, scheduled tribe and is in receipt of tribe certificate issued by the competent authority. The validation claim of the petitioner has been negatived by the scrutiny committee by order dated 29.8.2018. The petitioner is desirous of securing admission to professional course and as such, needs to produce validation certificate.

4 The petitioner, in order to substantiate his claim, has placed reliance on the validation certificates issued to his father Balajirao and his real brother Padmaraj, apart from the validation certificates issued to his blood relations by name Sneha and Sanjay. It also does appear that there are five other blood relations, who have been issued validation certificates. The scrutiny committee, on consideration of certain material, collected during the vigilance cell enquiry, has refused to rely upon the validation certificates issued to the father and real

brother of the petitioner and other blood relations. It has not been demonstrated as to how the persons, who have been referred to in the order impugned, are related to the petitioner. It is also informed that notice has been issued to the blood relations of the petitioner, calling upon them to explain as to why validation certificates issued to them shall not be revoked.

5 We have perused the genealogical tree recorded in the file of Sneha, daughter of Chandrakant Padalwar, blood relation of the petitioner, as well as the record relating to the father of the petitioner. There does not appear to be any inconsistency in respect of genealogical tree recorded by the different individuals who are stated to be related to the petitioner. It also does appear that the validation claim of Sneha Chandrakant has been granted by the High Court vide order dated 4.10.2017 passed in in Writ petition No.10378/2017. There are several other blood relations who have been issued validation certificates from time to time. In these circumstances, we are of the opinion that the claim of the petitioner deserves to be considered positively.

6 The Division bench of this Court at Principal seat, while considering the case of Sneha who is related to the petitioner has directed issuance of tribe certificate; subject to the decision in the inquiries initiated against the blood relations of the

petitioner, who have been granted validation certificate. The Division Bench at Mumbai, while dealing with the claim of Sneha, has considered all the relevant factors in detail and has allowed the petition. Considering this aspect of the matter, we deem it appropriate to allow the instant petition and direct the scrutiny committee to issue validation certificate to the petitioner; subject to condition that, in the event of recall of the orders of issuance of validation certificates to the blood relations of the petitioner in an enquiry stated to have been initiated in pursuance to the show cause notices, the order passed in the instant petition shall be deemed to have been recalled. The scrutiny committee shall issue validation certificate to the petitioner forthwith.

7 Rule is made absolute to the ext ent as specified above.

8 There shall be no order as to costs.

(MANGESH S. PATIL, J) (**R.M. BORDE, J**)

vbd