

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

WRIT PETITION NO. 10764 OF 2018

Suryakant S/o Hanmantrao Akulwar,
Age: 52 years, Occu. Service,
R/o. Tamloor, Tq. Degloor,
Dist. Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department
Mantralaya, Mumbai.

2. Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
Through its Member Secretary,
Aurangabad.

3. The Regional Dairy Development Officer,
Adalat Road, Aurangabad.
Tq. & Dist. Aurangabad.

4. The Deputy Dairy Manager,
Government Milk Scheme,
Barshi Naka, Solapur Road, Beed,
Tq. & Dist. Beed.

... **Respondents**

Mr. Vibhute Sunil M., Advocate for Petitioner.
Mr. P.S. Patil, AGP for Respondent-State.

**CORAM : R.M. BORDE &
MANGESH S. PATIL, JJ.**
DATE : 26.09.2018

ORAL JUDGMENT:

Heard.

2. Rule.

3. With the consent of the parties the petition is taken up for final disposal at admission stage.

4. The petitioner claims to belong to 'Mannervarlu' Scheduled Tribe and the proposal for validation of the tribe certificate issued to the petitioner and his son was referred to the scrutiny committee. The scrutiny committee directed invalidation of the tribe certificate issued to the petitioner as well his son by name Rushikesh by an order dated 30.06.2018. Since the son of the petitioner was pursuing education for a professional course he approached the Principal Seat at Mumbai seeking quashment of the order of invalidation passed by the scrutiny committee.

5. The Division Bench of this Court at the Principal Seat by an order dated 23.07.2018 directed the scrutiny committee to issue a tribe validity certificate to the petitioner therein i.e. the son of the petitioner. It is further recorded in the order passed by the Division Bench at Mumbai that as the committee has already initiated proceeding for cancellation of the tribe validity certificate issued to the blood relation of the petitioner before the

Court, in response to the Court's query, it is assured by the committee that the committee will conclude the proceedings within a period of three months from the date of receipt of copy of the order. It is further observed if the proceedings for cancellation of the caste validity holders is answered against such caste certificate holders, it shall be open for the respondent-committee to issue show cause notice to the petitioner before the Court to explain as to why the validity certificate granted to him should not be cancelled and it will be open for the committee to take those proceeding to its logical end. The certificate issued to the petitioner before the Court is subject to the outcome of the proceedings for cancellation of validity issued in favour of his blood relations. In the instant matter, since the claim of the petitioner herein has been dealt with by the scrutiny committee along with the validation claim of the son, the order passed by the Division Bench of this Court at Mumbai in the petition presented by the son of the petitioner shall govern the field and shall have to be made applicable to the petitioner herein.

6. In this view of the matter, this instant writ petition stands disposed of in terms of the direction issued by the Division Bench of this Court at Principal Seat in Writ Petition No. 7467 of 2018 in paragraph no.8 of the order. The scrutiny committee is directed to issue the validation certificate subject to the riders provided in paragraph no.8 of the order passed in Writ Petition No. 7467 of 2018 decided on 23.07.2018 at Mumbai.

7. In the meanwhile, the employer is directed not to take any adverse action against the petitioner. Writ petition is disposed of accordingly.
8. Rule is made absolute accordingly.

[MANGESH S. PATIL, J.]

[R.M. BORDE, J.]

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