

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7537 OF 2018

Neha Gangadhar Tiparse ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

WITH
WRIT PETITION NO. 7517 OF 2018

Saikiran Pandit Tiparse ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. M. S. Deshmukh for Petitioner in both the Writ Petitions.

Mr. A. A. Kumbhakoni, Advocate General a/w Mr. Vikas Mali, AGP
for Respondents – State in Writ Petition No. 7517 of 2018.

Mr. Bembalge Vijaykumar a/w Mr. Shriniwas Solanke, Law Officer
present in Writ Petition No. 7517 of 2018.

Mr. A. A. Kumbhakoni, Advocate General a/w Advocate Mr. Samat
for Respondents – State in Writ Petition No. 7537 of 2018.

Mr. Nayyim Shaikh, Law Officer present in Writ Petition No. 7537
of 2018.

**CORAM : SHANTANU KEMKAR &
N. W. SAMBRE, JJ.**

DATE : JULY 24, 2018

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Gourishankar
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. Heard by consent. Taken up for final disposal at this stage.

2. In both the Writ Petitions, Petitioners are claiming to be belonging to 'Mannerwarlu' Scheduled Tribe, whose claims were negated by the Respondent No. 2 – The Scheduled Tribe Caste Certificate Verification Committee (for short 'the Committee') vide the impugned order dated 12th July, 2018. The Committee while dealing with the claim of the Petitioners for grant of validity certificate, was aware about the validity certificate issued to her cousin uncles namely, Pandit Shioram Tiparse i.e. father of the Petitioner Saikiran, Ashok Dasharath Tiparse, cousin cousin grand-father Deorao Ramchandra Tiparse and other cousin cousin Aunt from paternal side namely, Deepali Deorao Tiparse.

3. In case of Saikiran, similar evidence is sought to be relied on by the Petitioner for issuance of validity certificate.

4. The entries which were relied upon by the Petitioners were of 1960 onwards in support of their tribe claim. The tribe claim of both the Petitioners was negated on the ground that there is sufficient material brought on record through Vigilance Cell,

which reflects insertion and tampering of the entries so as to grab benefit.

5. According to the learned Counsel appearing for Petitioner, the decision of the Committee runs contrary to the Division Bench judgment of this Court in the case of **Apoorva Vinay Nichale v/s Divisional Caste Certificate Scrutiny Committee No.1 and others, reported in 2010(6) Mh.L.J. 401** which was based upon the Supreme Court judgment passed in the case of **Raju Ramsing Vasave v/s Mahesh Deorao Bhivapurkar and others, reported in (2008) 9 SCC 54**. So also the in the case of **"Anand vs. Committee for Scrutiny and Verification of Tribe Claims and Others, (2012) 1 Supreme Court Cases, 113"**.

6. *Per contra*, the learned AGP has brought on record the invalidation of the tribe claim of Sheshrao s/o Shioram Tiparse which was invalidated by the Committee at Nashik on 31st August 1995. The said Sheshrao appears to have got issued validity, perhaps by suppressing the earlier rejection of validity. According to the learned AGP, the family tree if compared with each other in both the Writ Petitions, there appears to be contradiction in the same, as the branch to which the Petitioner Neha is belonging is

not demonstrated in the Petition preferred by the Petitioner – Saikiran. The learned AGP then would urge that there is enough material on the record to infer that there are three different family trees as are referred to by the Committee in its order impugned. According to learned AGP the Petition needs dismissal.

7. Considered rival submissions.

8. Apart from the fact that there is no compliance of Rule 12 (8) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003, the fact remains that the validity of one of the relation Sheshrao Shioram Tiparse was rejected by the Committee which fact is suppressed in both the Writ Petitions.

9. The fact remains that the committee has come out with certain entries which show insertion in the tribe column of the blood relations of the Petitioners. That being so, this Court considers it appropriate to remand the matter back to the Committee by quashing and setting aside both the impugned orders dated 12th July 2018 with directions to the Committee to decide the claim of the Petitioners expeditiously.

10. The Petitioners are agreed that they shall remain present before the Committee on 1st October 2018.

11. Both the Writ Petitions stand disposed of accordingly.

(N.W. SAMBRE, J.)

(SHANTANU KEMKAR, J.)