

(1)

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

WRIT PETITION NO.1051 OF 2019

Ram s/o Gangaram Ibitwar (Atram),
Age: 57 years, Occu: Service,
R/o. Latur, Tq. & District Latur,

..PETITIONER

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. Commissioner, Tribal Research &
Training Institute,
Maharashtra State,
Queens Park,
Pune-3
3. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad
through its Member Secretary

..RESPONDENTS

Mr Mahesh S. Deshmukh, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondent /State

**WITH
WRIT PETITION NO.1054 OF 2019**

Bapurao s/o Gangaram Ibitwar,
Age:77 years, Occu: Retired,
R/o. Opp. Vidya Vikas School,
Latur, Tq. & District Latur,

..PETITIONER

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32

(2)

2. Commissioner, Tribal Research & Training Institute,
Maharashtra State,
Queens Park,
Pune-3
3. Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Division,
Aurangabad
through its Member Secretary

..RESPONDENTS

Mr Mahesh S. Deshmukh, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondent /State

WITH
WRIT PETITION NO.1060 OF 2019

Satish s/o Bapurao Ibitwar,
Age:42 years, Occu: Service,
R/o. Behind Vidya Vikas School,
Latur, Tq. & District Latur,

..PETITIONER

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. Commissioner, Tribal Research & Training Institute,
Maharashtra State,
Queens Park,
Pune-3
3. Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Division,
Aurangabad
through its Member Secretary

..RESPONDENTS

Mr Mahesh S. Deshmukh, Advocate for petitioner;
Mr S. S. Dande, A.G.P. for respondent /State

WITH

(3)

WRIT PETITION NO.1062 OF 2019

Revansiddha s/o Bapurao Ibitwar,
Age:48 years, Occu: Service,
R/o. Laxmi Colony,
Juna Ausa Road, Latur,
Tq. & District Latur,

..PETITIONER

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. Commissioner, Tribal Research &
Training Institute,
Maharashtra State,
Queens Park,
Pune-3
3. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad
through its Member Secretary

..RESPONDENTS

Mr Mahesh S. Deshmukh, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondent /State

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 24th January, 2019

ORAL ORDER:

Heard Mr Deshmukh, learned Counsel appearing on behalf of the petitioners. As all these petitions involve an identical issue, they are heard together and are being decided by this common order.

(4)

2. Mr Deshmukh, learned Counsel for the petitioners submitted that all the petitioners entered in the service of Government in various departments and one of the petitioners stood retired on superannuation. He invited our attention to the copies of the validity certificates, issued in favour of the petitioners which are placed on record and submitted that these validity certificates are issued by the competent scrutiny committee way back in the year 1997 by undertaking an exercise of scrutiny and assessment of the material. He then submitted that Mr Vishal Revansiddha Ibitwar, grandson of the real brother of the petitioner in Writ Petition No.1051 of 2019 submitted his claim for validity before the scrutiny committee. In its order dated 18th December, 2018, the scrutiny committee, on perusal of some material arrived at a conclusion that the petitioners obtained validity certificates by misleading the committee. It is stated in the order dated 18th December, 2018 that false information was supplied to the committee so as to obtain validity certificates, as such, the committee thought it fit to issue notice to the petitioners. It is submitted by Mr Deshmukh, learned Counsel for the petitioners that the committee could not have issued the notice to the petitioners for more than one reasons. The committee assumes the powers of recalling its order and cancellation of validity certificates when the act is completely silent of such powers by the committee. Thus, the committee is clearly exceeding the powers vested with it only to unsettle the petitioners.

(5)

3. Learned Counsel also invited our attention to the order dated 5th October, 2017, passed at principal seat of this Court, in Writ Petition No.10388 of 2017 (Ashish s/o Bhagwan Choudhari vs. The State of Maharashtra & ors.) to submit that the committee failed to consider the aspect of difference in region and difference in religion.

4. Though Mr Deshmukh, learned Counsel for the petitioners raised various grounds before us, the fact remains that the petitioners, without raising all these ground by way of a reply/response to the notice issued by the committee, dated 21st December, 2018, approached this Court at this stage. We see no reason to assume that the committee will not consider the say, if filed by the petitioners in response to the notice by raising the ground raised before this Court or also certain other grounds on which the petitioners are willing to rely. It is possible that the committee, on receiving the response from the petitioners, by applying mind may arrive at a conclusion that no action is required to be taken in furtherance of the notice.

5. As we are not inclined to entertain the petitions at this stage, learned Counsel for the petitioners prays for liberty to go before the committee submitting reply to the notice dated 21st December, 2018, raising grounds including a ground of preliminary objection to the notice. He further submitted that the contentions raised before this Court are in the nature of preliminary objections to the notice itself, as such, the committee be directed

(6)

to decide this preliminary objections initially and in case the committee is not with the petitioners and turns down the submissions on the preliminary objections, the petitioners may avail the remedy of challenging the decision of the committee before the competent judicial forum including this Court. In our opinion, no prejudice would be caused to respondents - authorities, if such liberty is granted to the petitioners.

6. In view of above referred facts, learned Counsel for the petitioners prays for withdrawal of the petitions. The petitions are allowed to be withdrawn and disposed of as withdrawn. Needless to state that the contentions raised by learned Counsel for the petitioners are kept open.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk