

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

WRIT PETITION NO. 8345 OF 2020

Abhiruchi Abhimanyu Ibite .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 and 2.

Shri M. D. Narwadkar, Advocate for the Respondent No. 3.

Shri T. M. Venjane, Advocate for the Intervener.

**CORAM : S. V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 17TH DECEMBER, 2020.

FINAL ORDER :

. The tribe claim of the petitioner as belonging to the 'Rajgond' (Scheduled Tribe) is invalidated.

2. The learned counsel for the petitioner submits that, the real sister of the petitioner is issued with the validity certificate under the orders of the Division Bench of this Court at its Principal Seat at Bombay in Writ Petition No. 7510 of 2018 dated July 30, 2018. The same is unconditional validity issued to the real sister of the petitioner. The learned counsel further submits that, apart from the above, the father of the petitioner Abhimanyu is issued with the validity certificate. The paternal cousins of the petitioner namely Sandip S/o Govind, Santosh S/o

Govind, Shyam S/o Nagayya, Shivaji S/o Nagaya and Mansi D/o Shyam all are issued with the validity certificates of Rajgond (S.T.). Mansi D/o Shyam is issued with the validity certificate under the orders of this Court in Writ Petition No. 9607 of 2019 under judgment dated 02nd August, 2019. The learned counsel further submits that, all the entries herein were subject matter of consideration in the earlier proceedings of the near relatives of the petitioner. Some of the entries of tribe recorded as Telang are considered as contra. Telang is not a tribe, it is an area. The petitioner relies on the judgment of this Court in Writ Petition No. 10388 of 2018 dated October 05, 2017.

3. The learned Assistant Government Pleader for respondent/ State submits that, Shyam was denied validity by the Scrutiny Committee. The appeal was also dismissed. In the writ petition also he could not get any relief. Said fact was suppressed by Shyam and again in the year 2007 he obtained validity certificate. Validity was granted to Mansi D/o Shyam by suppression of facts. The validity granted to the real sister of the petitioner at the Principal Seat at Bombay was also by suppressing the earlier invalidation of tribe claim of Shyam. The petitioner has failed in the affinity test. The contra entries are on record.

4. Mr. Venjane, the learned counsel for the intervener supports the arguments of the learned A. G. P.

5. All the validity certificates referred to above issued in favour of paternal relatives of the petitioner are undisputed. The relationship of the validity holders with the petitioner is also undisputed by the Committee. The real sister of the petitioner namely Abhilasha is issued with the validity certificate under the orders of the Division Bench of this Court at its Principal Seat at Bombay in Writ Petition No. 7510 of 2018. The same would be a relevant fact.

6. Considering the fact that, this Court had directed issuance of validity to the real sister of the petitioner, we pass the following order.

7. The impugned judgment is quashed and set aside. The Committee shall issue validity certificates to the petitioner as belonging to 'Rajgond' (Scheduled Tribe) immediately. The said validity certificate shall be subject to the decision of the committee in the proceedings re-opened of the validity holders relied by the petitioner.

8. In the light of the above, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S. V. GANGAPURWALA, J.]