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

**WRIT PETITION NO.14160 OF 2019**

Mamta Raosaheb Lakhewad

PETITIONER

VERSUS

The State of Maharashtra and Others

RESPONDENTS

.....

Mr. Chandrakant R. Thorat, Advocate for the petitioner

Mr. S. N. Kendre, AGP for respondent - State

.....

**[CORAM : SUNIL P. DESHMUKH AND**  
**ABHAY AHUJA, JJ.]**

**DATE : 10<sup>th</sup> MARCH, 2021**

**ORDER :**

1. Petitioner questions validity and propriety of decision dated 23<sup>rd</sup> October, 2019 given by respondent No. 3 – Scheduled Tribe Certificate Verification Committee, Aurangabad.
2. It would be pertinent to refer to that while petitioner questions aforesaid decision, petitioner's real sister 'Sapna' has been issued tribe validity certificate of being '*Mannerwarlu*' scheduled tribe, under orders of a division bench of this court dated July 23, 2018 in writ petition No. 7471 of 2018.
3. Learned advocate for the petitioner draws our attention to observations of this court in aforesaid decision, wherein

committee's stand has been referred to, that certificate to uncle Sanjay Koneri Lakhewad has been issued without taking into account interpolation / adverse entries in the documents. So is observed in present case as well.

4. The committee has also observed that some interpolations have been there in the original record of Raosaheb Ramji Lakhewad and also that there had been a different caste recorded in respect of cousin as well as the validity holder Sanjay Koneri Lakhewad, paternal uncle of petitioner.

5. The division bench had adverted to submissions on behalf of the committee and had also further considered that decision of the committee runs counter to the division bench judgment 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 is based upon a judgment of the Supreme Court in the case of *"Raju Ramsing Vasave V/s Mahesh Deorao Bhivapurkar and Others"* reported in (2008) 9 SCC 54 as well as *"Anand V/s Committee for Scrutiny for verification of Tribe Claims and Others"* reported in (2012) 1 SCC 113. The division bench had thereafter reproduced paragraphs No. 7 and 9 from the decision of *"Apoorva Nichale"* (*supra*) and considered that reason for rejection by the committee is unsustainable and

has directed to issue tribe validity certificate to Sapna, subject to decision of the committee in the case of reopening of cases of validity holders blood relatives to petitioners.

6. While it emerges that as on the date validity certificates of blood relations as well as Sapna are intact, it would be appropriate to follow often followed decision in the case of "*Apoorva Nichale*" (*supra*).

7. As such, impugned order dated 23<sup>rd</sup> October, 2019 passed by respondent No. 3 Scheduled Tribe Certificate Scrutiny Committee, Aurangabad is set aside. Respondent No. 3 Committee shall forthwith issue validity certificate to the petitioner as belonging to "*Mannervarlu*" scheduled tribe. The certificate would be subject to decision that would be taken by the committee in the case of re-opening of the proceedings of the validity holders related by blood relied upon by the petitioner. In case, their certificates are cancelled, then the petitioner may not be in a position to claim any equities and it would be open for the committee, if the committee is of the view that validity certificate obtained by validity holder is by playing fraud, then the committee may resort to action against the petitioner as would be available in law.

8. Parties to act upon authenticated copy of this order.
9. Writ petition stands disposed of.

**[ABHAY AHUJA]**  
**JUDGE**

**[SUNIL P. DESHMUKH]**  
**JUDGE**

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