

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6635 OF 2021

Pankaj Madhukar Dandewad

Age : 22 years, occ : student

R/o Lokmanya Nagar, Near Ganpati
Temple, Parbhani.

Petitioner

versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Dept.,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad, through
its Member Secretary.
3. The Deputy Collector
(Land Reforms), Parbhani.
4. Veermata Jijabai Technical
Institute, Matunga, Through it's
Registrar, Having it's office at
Matunga, Mumbai.

Respondents

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Mr. M.A. Golegaonkar, Advocate for the petitioner.

Mr. K.N. Lokhande, A.G.P. for respondent Nos.1 to 3.

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CORAM : C.V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.

DATE : 7 JULY 2022

JUDGMENT (PER C. V. BHADANG, J.):

Rule. Rule made returnable forthwith. Learned A.G.P. waives service for respondent Nos. 1 to 3. Heard finally by consent of parties.

2. The challenge in this petition is to the order dated 18 July 2019 passed by the second respondent Caste Scrutiny Committee, invalidating the tribe claim of the petitioner, as belonging to 'Mannervarlu Scheduled Tribe'.

3. We have heard the learned Counsel for the parties. Perused record.

4. Learned Counsel for the petitioner has referred to the genealogy, which is at page 79. It is submitted that the genealogy and interse relationship between the parties is not in dispute. The learned Counsel has then referred to the impugned order passed by the Committee whereby the tribe claim of the present petitioner and his real cousin brother Abhishek Dandewad was invalidated by a common order. Abhishek Dandewad challenged the same before this Court in Writ Petition (Stamp) No. 21475 of 2020. This Court has allowed the said petition on 20 November 2020 and while setting aside the order passed by the respondent Committee, the validity certificate was directed to be issued in favour of Abhishek Dandewad, subject to the decision that would be taken by the Committee in the cases which

have been reopened. It is submitted that this Court has noticed about eight close blood relatives of the petitioner whose similar claim has been held to be valid. It is submitted that now even the claim of the cousin brother namely Abhishek Dandewad has been validated on account of an order passed by this Court in the aforesaid writ petition.

5. The learned AG.P. submitted that show cause notices have been issued to the validity holders and that matter is subjudice before the Committee. In such circumstances, the learned A.G.P. submitted that appropriate order be passed, subject to the order that may be passed by the Committee in the case which have been reopened.

6. We have considered the circumstances and the submissions made. We indeed find that this Court, after taking note of the fact that the caste claim of Gangadhar Rambhau Dandewad, Pooja Laxman Dandewad, Trupti Kashinath Dandewad and Abhishek Dandewad, who are the cousin brothers / sisters of the petitioner, has been validated. Even the caste claim of the real sisters of the petitioner namely Supriya, Priti and and real brother Pawan has also been validated and this Court, by order in the Writ Petition (Stamp) No.21475 of 2020 has also validated the claim of Abhishek Dandewad, the first cousin of the petitioner.

7. In that view of the matter, the petition is allowed. The impugned order, invalidating the caste claim of the petitioner, is hereby set aside. The Committee shall issue validity certificate to the

petitioner of 'Mannervarlu Scheduled Tribe', forthwith. The said validity certificate would be subject to the decision that would be taken by the Committee in cases which have been reopened.

8. Rule is made absolute in aforesaid terms.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.