

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3507 OF 2022

Kum. Aditi Vijaykumar Panhale ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr. R. K. Mendadkar, for the Petitioner.
Mrs. P. N. Diwan, A.G.P. for the Respondent-State.

MAMTA
AMAR
KALE
Digitally
signed by
MAMTA AMAR
KALE
Date:
2022.04.21
14:25:30
+0530

**CORAM : A. S. CHANDURKAR AND
G. A. SANAP, JJ.**

DATE : 20 April 2022

P.C.

. Rule. Rule made returnable forthwith. Heard the learned counsel for the parties.

2. The challenge in this Writ Petition is to the order dated 7 March 2022 passed by the respondent No.2 / Scrutiny Committee, thereby invalidating the claim of the petitioner of belonging to “Mannervarlu” Scheduled Tribe.

3. It is the case of the petitioner that she alongwith her forefathers belong to “Mannervarlu” Scheduled Tribe. Her claim is sought to be supported by various old documents as well as the adjudication in the case of the petitioner’s cousin Amit Anand Panhale. The said Amit Anand Panhale had challenged a similar order of invalidation by filing Writ Petition No.8908/2021. It is submitted that by the judgment dated 27 October 2021, this Court had set aside the order passed by the Scrutiny Committee and had directed issuance of validity certificate. The petitioner therefore contends that since her blood relative has been issued a validity certificate after considering similar documents that are now relied upon by the petitioner, the petitioner is also entitled to benefit of the adjudication and a validity certificate deserves to be issued.

4. The learned Assistant Government Pleader for the respondent Nos.1 and 2, submits that the order passed by the Scrutiny Committee is after considering various old documents and by recording the finding that those documents do not

support the claim of the petitioner. It is further submitted that after passing of the impugned order, show cause notices have been issued to other relatives of the petitioner, seeking to re-open the validity proceedings against them. It is thus submitted that the petitioner cannot be permitted to rely upon such adjudication of her blood relatives.

5. On hearing the learned counsel for the parties, we find that this Court in Writ Petition No.8908/2021 has considered various documents pertaining to the family which are also the part of the consideration in the impugned order. It has been noted that two paternal uncles of the said petitioner were also issued validity certificate and hence this Court directed issuance of validity certificate to the petitioner therein. While doing so, it was observed that the said validity certificate would be subject to the decision in the cases that were sought to be reopened by the Scrutiny Committee.

6. Since, it is found that similar documents were considered by this Court in the earlier adjudication of the petitioner's first cousin and keeping in view the fact that the Scrutiny Committee has issued notices to some validity holders seeking to re-open the proceedings, the interests of justice can be served by passed the following order.

ORDER

(i) For the reasons recorded in Writ Petition No.8908/2021, the order passed by the Scrutiny Committee is set aside. It is directed that the Scrutiny Committee shall issue validity certificate to the petitioner of belonging to "Mannervarlu" Scheduled Tribe, which is Entry No.27 in the Scheduled Tribe list.

(ii) It is clarified that the validity certificate, as issued, would be subject to the decision in the proceedings sought to be re-opened with regard to other validity holders which adjudication has been relied upon by the petitioners.

(iii) The validity certificate be issued within a period of four weeks from today.

(iv) In the meanwhile, if required, the petitioner can rely upon this judgment to substantiate her claim that the Scrutiny Committee has been directed to issue validity certificate to the petitioner that she belongs to “Mannervarlu” Scheduled Tribe.

(v) Rule is made absolute in the aforesaid terms. No costs.

(G. A. SANAP, J.)

(A. S. CHANDURKAR, J.)