

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

WRIT PETITION NO.1096 OF 2022

Laxman s/o Suryakant Ramod,
Age : 21 years, Occupation : Student,
R/o Jarikot, Tq.Dharmabad,
Dist.Nanded.

...PETITIONER

VERSUS

1. The State of Maharashtra.
Through it's Secretary,
Higher and Technical Education
Department, Mantralaya, Mumbai-32.
2. Deputy Director (Research) and
Member Secretary,
Scheduled Tribe Certificate Verification
Committee, Kinwat, Headquarter,
Aurangabad, Near Saint Lawrence
High School, Town Centre, CIDCO,
Aurangabad. Dist.Aurangabad.

...RESPONDENTS

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Shri C.R. Thorat, Advocate for the petitioner.
Shri S.G. Sangle, AGP for the respondents/State.

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CORAM : RAVINDRA V. GHUGE

&

SANDIPKUMAR C. MORE, JJ.

DATE :- 14th February, 2023

ORAL JUDGMENT (*Per Ravindra V. Ghuge, J.*):-

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner is a student, who is aggrieved by the order of the competent scrutiny committee, dated 15.12.2021, by which, his claim of belonging to the “Mannervarlu”, Scheduled Tribe, has been rejected.

3. There are 12 validity holders amongst the paternal blood relatives of the petitioner. Two of them, namely, Snehalata Ashok Ramod (Writ Petition no.1256/2023 decided on 06.02.2023) and Sushil Chandrashekhar Ramod (Writ Petition No.14581/2021 decided on 22.12.2021), have been granted the validity certificates by the High Court.

4. We have considered the strenuous submissions of the learned advocate for the petitioner and the learned AGP, who has gathered instructions from the Law Officer of the Committee. The ground on which the committee has rejected the claim of the petitioner is that one person, namely, Anil Ganpatrao Ramod has suffered invalidation. He approached the High Court. In the meanwhile, he acquired a fresh “Mannervarlu”, Scheduled Tribe

certificate. The same was put up for validation and after the Committee granted him validity, he had withdrawn the writ petition from this Court. The petitioner has placed before the committee as well as before the Court, a complete family tree, which indicates 12 validity holders.

5. The learned AGP has vehemently defended the impugned order and submits that if there are any contra entries or contradictory evidence, the claim of the candidate can be looked at differently. Anil Ganpatrao had also suffered invalidation. After approaching the High Court, he obtained a fresh ‘Mannervarlu’ certificate and moved the committee for considering his claim for validation. He further submits that in the case of Sushil, this Court has indicated that if the file of any validity holder related to him, is reopened and it leads to invalidation, the consequences flowing from such orders, would affect his rights as well.

6. In *Shweta Balaji Isankar vs. The State of Maharashtra and others*, Writ Petition No.5611/2018, decided on 27.07.2018 at the Principal Seat, this Court has concluded in paragraphs 2, 3, 4 and 8 as under :-

“2. On the earlier occasion, we found that though the

petitioner produced credible evidence in the form of certificates of validity issued to her real uncle Govind Sambhaji Isankar and which concededly has been issued way back on 5th December 2005 and another certificate of validity dated 5th September 2006 to his cousin uncle Ramdas Sambhaji Isankar, the Committee finds that the certificate of validity issued to the real uncle Govind, is not free from suspicion. It is held by the Committee in the impugned order that a notice to show cause has been issued to said Govind on 14th September 2017, calling upon him to show cause as to why this certificate of validity should not be cancelled as its issuance is vitiated by fraud or suppression of material facts by the said Govind.

3. *On such a finding being rendered by the Committee, we called upon the learned AGP on the earlier two occasions to produce the record. We also indicated to the learned AGP as to how the certificate of validity is denied to the petitioner though she has established her relationship with the said Govind and only on the ground that a show cause notice has been issued, but no proceedings in furtherance thereof came to be initiated till date. The learned AGP sought time to file an affidavit. Now, the Joint Commissioner, Schedule Tribe Scrutiny Committee, Aurangabad has filed an affidavit in reply. That is taken on record. The said affidavit admits that the certificate of validity has been issued to her real uncle and cousin uncle of the petitioner. The affidavit admits that the petitioner relies heavily on these two documents, but clarifies that there is a suppression detected from the original record of the certificate holder and that is how a show cause notice has been issued to Govind. The show cause notice could not be taken to its logical end on account of the huge pendency of cases before this Committee. In all, 7,000 matters were pending on the date when this Joint Commissioner took charge and he has reduced the pendency by 2500 cases being decided. In the circumstances, he says that appropriate orders*

and directions be issued by this Court.

4. *We are not impressed by this explanation and the justification not to proceed against a person who has perpetrated a fraud on the public. If it is a serious allegation and which is termed as fraud, then, it should have been taken to its logical end. Mere issuance of a show cause notice in the present case would not suffice for there are two certificates of validity relied upon. The only reason assigned in the impugned order to discard them, cannot be sustained. The justification in the above affidavit is also not enough to straightaway discard the certificates of validity issued in the family. It is conceded that other reasons assigned in the impugned order cannot be supported in law.”*

- “8. *This order does not prevent the Committee from proceeding against Govind in accordance with law and needless to further clarify that in the event Govind's claim is invalidated, all the consequences shall be taken by the petitioner as well.*”

7. Considering the fact situation as above and since the law laid down in ***Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Scrutiny Committee No.1 and others, 2010 (6) Mh.L.J. 401*** is squarely applicable, **this Writ Petition is allowed.** The impugned order dated 15.12.2021 is quashed and set aside. Respondent No.2/Committee is directed to issue the validity certificate to the petitioner upholding his claim of belonging to “Mannervarlu”, Scheduled Tribe, on or before 28.02.2023.

8. Needless to state, that if the file of any validity holder, who is related to the petitioner from the paternal side, is

reopened and he/she suffers invalidation, the consequences suffered by the said candidate would also befall upon the petitioner and he would also have to suffer the same consequences.

9. Rule is made absolute in the above terms.

kps (SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)