

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

WRIT PETITION NO.1256 OF 2023

**SNEHALATA ASHOKRAO RAMOD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

...
Advocate for the Petitioner : Shri O.D. Totawad i/by Shri Thorat
Chandrakant R.

AGP for Respondents 1 and 2/State : Shri V. M. Kagne

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 06th February, 2023

Per Court :-

1. The petitioner, who is pursuing her Ph.D., is aggrieved by the order dated 14.11.2022 passed by the competent committee, rejecting her claim of belonging to “Mannervarlu”, Scheduled Tribe category.

2. There are nine validity holders amongst the paternal blood relatives of the petitioner. One of them, namely, Sushil Chandrashekhar Ramod, preferred Writ Petition No.14581/2021, which was decided vide the order dated 22.12.2021 and he was granted the validity certificate by this Court.

3. 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 The same was put up for validation and after the Committee granted him validity, he had withdrawn the writ petition from this Court. Another reason why the validity was refused is that the petitioner tendered the affidavit to the committee disclosing the list of her paternal blood relatives, who have been granted the validity certificates. She did not tender the family tree, which was produced subsequently vide the affidavit dated 16.01.2023, which is after the pronouncement of the impugned order.

4. It does not require any debate that a candidate has to submit the family tree, in details, along with an affidavit before the committee, which is dealing with the claim of the candidate. The petitioner failed to do so and tendered such an affidavit after the impugned order was passed. We could have remanded this matter to the committee for the said purpose. However, we are

not doing so for the reason that all those candidates, who have been granted the validity certificates, have not been issued with any notice for reopening of their cases. Even the order of this Court passed in favour of Sushil, indicates that if the file of any validity holder related to him, is reopened, the consequences flowing from such proceedings, would affect his right as well.

5. 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.”*

6. 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 14.11.2022 is quashed and set aside. Respondent No.2/Committee is directed to issue the validity certificate to the petitioner upholding her claim of belonging to “Mannervarlu”, Scheduled Tribe, on or before 28.02.2023.

7. 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 she would also have to face the same consequences.

kps

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)