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

925 WRIT PETITION NO.1409 OF 2022

Vaishnavi D/o Sunil Ramod
Age: 18 years, Occu: Education
R/o: Jarikot, Tq. Dharmabad,
Dist. Nanded

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R),
At Aurangabad
3. The Commissioner & Competent Authority,
Commissionerate of Common Entrance Test Cell,
Government of Maharashtra,
8th Floor, New Excelsior Building,
A. K. Naik Marg, Fort,
Mumbai

....RESPONDENTS

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Mr S. M. Vibhute, Advocate for petitioner;
Mr S. K. Tambe, A.G.P. for respondent Nos.1 & 2
Mr S. G. Karlekar, Advocate for respondent No.3

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

DATE : 10th 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's claim of belonging to the 'Mannervarlu' Scheduled Tribe has been invalidated by the Committee, vide the impugned order dated 21/01/2022. The petitioner has appeared for the NEET-UG 2022 examination.
3. Having considered the strenuous submissions of the learned Advocates for the respective sides and on perusing the record available, we find that there are about 12 validity holders amongst the paternal blood relatives of the petitioner. With the assistance of the learned Advocates, we have perused the family tree, which is restricted to the branch of Laxman, son of Kaloji, and Puloji son of Kaloji. However, a family tree is on record in the case of Snehalata Ashokrao Ramod Vs. State of Maharashtra and another, in Writ Petition No.1256/2023, which was allowed by this Court vide order dated 06/02/2023. Reliance is placed on this document, since Shehalata is a distinct cousin sister of the present petitioner. In this backdrop, we have analyzed the family tree as under :-

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(a) The petitioner is the daughter of Sunil, who is the son of Narayan. Narayan is the grandson of Laxman Kaloji Ramod.

(b) The biological brother of Laxman, is Gangaram. All his three grandsons, born to his son Laxman, namely, Gangadhar, Chandrashekhar and Suryakant, have been granted validity certificates.

(c) Sushil, son of Chandrashekhar was granted a validity certificate by the High Court.

(d) Gangadhar, who also has a validity certificate, has six children, out of which, the first five are daughters and the sixth child is a son, namely, Swapnil.

(e) His daughters, namely, Madhuri, Mayuri, Priya and Puja, have been granted validity certificates by the Committee.

(f) Keshav and Arun, are biological brothers, born to Gangadhar, son of Puloji, have also been granted validity certificates.

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(g) Snehalata has been granted validity certificate by the High Court and her biological brother Sachin also is granted a validity certificate. These are children of Ashok, who is the grand child of Sayabu Kaloji, biological brother of Puloji, Gangaram, Jaloji and Laxman.

4. The learned A.G.P. has strenuously opposed this petition while supporting the impugned order. He submits that, there are some contra entries and the claim of Madhuri, daughter of Gangadhar was invalidated. After remand of Madhuri's case, the Committee, which granted validity certificate to her, ignored the contra-entries and relied upon the validity of one Sanjay, who is not related to Madhuri. Invalidation of one Anil Ganpat Ramod has also been suppressed by the petitioner and Madhuri.

5. We find that this Court, which decided the claim of Sushil Chandrashekhar Ramod, vide order dated 22/12/2021, passed in Writ Petition No.1458/2021, has dealt with the above contention of the learned A.G.P. in paragraph 5, which reads as under :-

“5. It is a matter of fact that father and two real uncles of the petitioner are issued with validity certificates as ‘Mannervarlu’ Scheduled Tribe and four first decree paternal cousin of the petitioner are also issued with

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validity certificates as ‘Mannervarlu’. Initially, claim of Madhuri one of the paternal cousin is invalidated on the basis of contra entries. She filed writ petition. This Court remanded the matter. After the remand, she was issued with validity certificate. It appears that the Committee did not give importance to the contra entries. The fact remains that all the contra entries are considered by the Committee when validity was issued to Madhuri, therefore, it cannot be said to be suppression of contra entries. It is submitted that show cause notices are issued to validity holders.”

6. It is by now well settled and as has been held by this Court in the order delivered in Snehalata’s case (supra) that, if the Committee finds that any candidate has been erroneously granted a validity certificate by suppression of material information or crucial facts, the case can be reopened, and if the Committee arrives at a conclusion of invalidating such claim, the consequences suffered by such candidate, would also be suffered by those candidates, who placed reliance upon the validity of the former.

7. This Court, at the Principal Seat, has held in **Shweta Balaji Isankar Vs. The State of Maharashtra and others**, Writ Petition No.5611/2018, decided on 27/07/2018, in paragraph Nos.2, 3, 4 and 8, as under :-

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“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

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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.

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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.”

8. Considering the above and the law laid down in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1, Nagpur, 2010 (6) Mh.L.J. 401 : AIR 2010 (6) BOM R 21**, this petition is partly allowed. The impugned order dated 21/01/2022, is quashed and set aside. The respondent Committee would issue the validity certificate of ‘Mannervarlu’ - Scheduled Tribe, to the petitioner, on or before 28/02/2023.

9. Needless to state that, if the file of any validity holder, on whom the petitioner has placed reliance, is reopened and he/she suffers invalidation, the consequences suffered by such candidate, would also befall upon the petitioner who shall suffer the same consequences.

10. Rule is made partly absolute in the above terms.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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