

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

940 WRIT PETITION NO.1744 OF 2020

**PRATIBHA NARAYAN GUDALOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**WITH
WRIT PETITION NO.1754 OF 2020**

**SANGITA NARAYAN GUDLOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. A.S. Golegaonkar a/w M.A. Golegaonkar
AGP for Respondent nos. : Mr. P. S. Patil

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**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 8 JUNE, 2023

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PER COURT :

. Heard learned advocate Mr. Golegaonkar for the petitioners as also learned AGP Mr. Patil, for the respondents.

2. We have also perused the record.

3. The petitioners are before this Court impugning the judgment and order whereby their claim as belonging to “Mannervarlu” (Scheduled Tribe) has been turned down and the tribe certificate has been cancelled.

4. Without going into all other aspects, suffice to observe that in fact these two petitioners are real sisters. Their real brother Nitin Gudlod had also put up a similar claim and their three separate proceedings were decided by the Caste Scrutiny Committee by a common order dated 16.7.2018 (Exhibit 'K').

5. Nitin had also preferred Writ Petition no.14349 of 2018. By order dated 4.1.2021, this Court quashed and set aside the impugned judgment and order but only in respect of him although even both these two petitions were pending, perhaps because of the exigency.

6. By the order dated 4.1.2021 in the matter of Nitin Gudalod that self same judgment and order was quashed and set aside and the Committee was directed to issue a validity certificate to him which was made subject to the decision that was to be taken by the Committee in the proceeding which were to be reopened in respect of the validity holders being relied upon by all these petitioners, sisters and brother.

7. In spite of lapse of more than two and half years, no steps seem to have been taken in respect of the validity holders whose cases were to be reopened. It is a sordid state of affairs. When the matter of Nitin was under consideration and stand was being taken by the respondent authorities regarding existence of circumstances which entitled the Committee to reopen the cases of the validity holders, one cannot comprehend as to how and why in spite of lapse of two and half years, not even a first step in issuing notices to these validity holders has been taken. Once it was decided to reopen the cases of the validity holders and when this Court had allowed the writ petition of Nitin and

directed him to be granted validity certificate which was expressly made subject to the decision that was to be taken in respect of validity holders whose cases were doubtful, the machinery should have acted promptly. Simply opposing the petitions on a spacious plea of reopening the cases of validity holders and not taking further steps is nothing but beating behind the bush. We are doubtful if the authorities are really intending to prevent fraudulent claims of the persons claiming to be Scheduled Tribe or Scheduled Caste and deriving benefit and thereby depriving the legitimate individual claims of the persons who really should get the benefit.

8. Be that as it may, once this Court in the matter of Nitin has taken a view in respect of the self same common judgment and order, we follow the same course.

9. Both the writ petitions are allowed. The impugned judgment and order of the Committee is quashed and set aside in respect of these two petitioners also. The Committee shall issue validity certificate to both of them as belonging to "Mannervarlu" (Scheduled Tribe) immediately. It is made clear that the validity certificate shall be subject to the decision that would be taken by the Committee in the proceeding to be reopened in respect of the validity holders being relied upon by these petitioners.

10. Both the writ petitions are disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE