

finally at the stage of admission. Rule. Rule is made returnable forthwith.

2. The learned advocate for the petitioner would submit that the petitioner's two cousin uncles Dilip Bhumanna Aitwar and Venkat Bhumanna Aitwar are the validity holders who were issued validity certificates in the year 2009. Those are still alive and the petitioner being the blood relative from the paternal side is entitled to derive the benefit of those two validities.

3. The learned advocate would submit that no cogent and convincing reasons have been assigned by the Committee for ignoring these two validities. He would submit that the Committee has referred to few invalidities which according to it were not disclosed. He would submit that apart from the fact that there is no proof regarding these individuals Venkat Ramreddy Aitwar, Vasant Ramkishtu Aitwar and Gajanana Ramreddy Aitwar to be related to the petitioner by blood from the paternal side, such alleged concealment cannot be attributed to the petitioner. He would then submit that if these invalidities are to be pitted against the petitioner, then simultaneously, the petitioner out to have been extended the benefit for more than 30 validities in the family referred to in the impugned order. He would submit that the Committee has illegally resorted to the principle of area restriction and has applied affinity test which it could not have.

4. The learned AGP supports the order. He submits that there was rampant fraud practised by the validity holders and the Committee has decided to invoke its inherent powers to undertake a fresh scrutiny of all

these validity certificates. He would therefore submit that the Committee has rightly refused to extend the benefit of validities in the family. He would further submit that in the absence of concrete proof regarding the tribe claim, no fault can be found with the Committee in applying the affinity test and examining the area to which the tribe community essentially belonged to.

5. We have considered the rival submissions and perused the papers. Admittedly, the petitioner's cousin uncles Dilip Bhumanna and Venkat Bhumanna are the validity holders to whom certificates of validity have been issued in the year 2009. The Committee has referred to as many as 37 individuals out of which, it is being alleged that first three have been invalidated in the year 1993, 1995 and 1999 and the Committee alleges that such invalidates were concealed from the Committee by the subsequent validity holders and the decisions of the then Committees stand vitiated by fraud practised upon them.

6. We do not intend to comment on the powers of the Committee to undertake such review or reopen the inquiries. Even if it has such a power, we do not intend to make any observations touching the circumstances which according to the Committee constitute fraud, for two reasons. Since it is an issue which is directly and substantially under consideration of the Scrutiny Committee we cannot make any observation which could have some bearing on that inquiry. Secondly, the validity holders are not before us, therefore, we also do not intend to cause any

prejudice to them by making certain observations by touching aspect of the alleged fraud. We leave it at that.

7. The fact remains that though there is a dispute as to if all these persons referred to in the impugned order are really blood relatives of the petitioner or otherwise there is no such dispute that his two cousin paternal uncles have been granted validity certificates and the impugned order conspicuously omits to make any observations in respect of these two validity holders Dilip Bhumanna and Venkat Bhumanna. It is not the stand of the Committee that even they had resorted to some manipulation. Their names have merely been mentioned in the list of 37 individuals but there is no observation precisely in respect of these two individuals and the circumstances under which they were issued with the validity certificates. An omnibus statement has been made in respect of all these validity holders by observing that they had obtained validities by resorting to fraud. As is observed herein above, we are consciously avoiding to make any comment in respect of the alleged fraud. However, the Committee could discuss may be vaguely in respect of the circumstances affecting the validity certificates of some of these individuals but no specific and precise observations have been made in respect of validities of Dilip Bhumanna and Venkat Bhumanna.

8. Be that as it may, till the time the certificates of validity of Dilip Bhumanna and Venkat Bhumanna are not confiscated and cancelled by following due process of law, the petitioner being the blood relation from the paternal side is entitled to derive the benefit in the light of the

observation of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326.**

9. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

10. The petitioner shall not be entitled to claim equities.

11. All the validity holders from the petitioner's family who have received the show cause notices, shall co-operate the committee in early decision of the re-opened matters.

12. Rule is made absolute in the above terms.

(SHAILESH P BRAHME, J.)

(MANGESH S. PATIL, J.)