

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO.4331 OF 2023

PRATIKSHA SAHEBRAO YENDERKAYE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr.C.R. Thorat, Advocate for the Petitioner.
Mr.P.S. Patil, AGP for the Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th APRIL, 2023.**

PER COURT :-

1. We have heard this matter on 17th April, 2023 and today.
2. Considering what has emerged from the petition paper book, we deem it appropriate to remand the matter to the Committee. We are assigning reasons only in support of this conclusion so as to avoid making any observations as regards the claim of the Petitioner, which may affect the adjudicatory process before the Committee.
3. The Petitioner concedes that the family tree produced before the Committee, was skeletal. Though a first cousin brother Girishchandra S/o Rajaram was granted validity certificate by the Thane Committee (Kokan division), dated 29.09.2007, the same was not produced before the Competent Committee. Father of

Girishchandra, namely Rajaram, is the biological brother of Sahebrao.

4. The learned A.G.P. representing the Committee raised a strong objection as regards the claim of the Petitioner that the validity certificate of Girishchandra was inadvertently not placed before the Committee. He contends that the validity certificate was obtained from the Thane Committee (Kokan Division) by suppressing contra entries. He, therefore, prays for heavy cost and adds that the Committee normally would never pray for such an order.

5. The Petitioner has contended before us that his father is illiterate and had never been to school. Besides Girishchandra, no person in the family has been granted a validity certificate for belonging to Mannervarlu Scheduled Tribe category. He relies upon the family tree drawn by the vigilance Cell, which is placed before the Court, at page 66-A to submit that he would have establish his relations with Girishchandra so as to rely on the said certificate to the extent of his claim.

6. The Hon'ble Supreme Court has recently delivered an extensive judgment, dated 24th March, 2023 in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The***

State of Maharashtra and others (Civil Appeal No.2502 of 2022).

In paragraph nos.22 and 23, the Hon'ble Supreme Court has concluded that the claimants will have to establish their close relations with the paternal blood relatives, who have been granted validity certificate. Once such relations are proved, the Petitioner would claim a validity certificate.

7. In view of the above, **this petition is partly allowed** and the impugned order is quashed and set aside only because the Petitioner did not produce the validity certificate of Girishchandra before the Committee. No doubt, the Petitioner alone could be blamed for this lapse. However, we are not imposing cost as the Petitioner is a student of Engineering College and his father is said to be a labourer.

8. In view of the family tree which is already available with the vigilance cell in the original file of the Petitioner, we permit the Petitioner to substantiate her claim that Girishchandra is her paternal cousin brother.

9. Needless to state, the Committee would be at liberty to investigate as to whether there is any legal infirmity pertaining to the validity certificate acquired by Girishchandra from the Thane

Committee-Kokan division. We expect the Committee to deliver it's final order, pursuant to the completion of the above exercise, on or before 30th June, 2023. The Petitioner shall render wholehearted cooperation.

10. All contentions to this extent and the claim of the Petitioner, are kept open.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

sga/