

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

989 WRIT PETITION NO.4825 OF 2020

ANURADHA CHIMNAJI KANLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for the respondent – State : Mr. S.K. Tambe
Advocate for respondent no. 4 : Mr. D.P. Deshpande
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 6 JULY 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The petitioner is facing invalidity at the hands of respondent – scrutiny committee in respect of her claim of being *Mannervarlu* scheduled tribe.

3. We have heard both the sides.

4. We are saved from examining the entire matter threadbare for the simple reason that the first validity holder from the family Laxman Tukaram Kanle happens to be the real / first degree paternal uncle of the petitioner was being castigated of having obtained the validity certificate by practising fraud. The committee had decided to

re-open his case. A show cause notice was issued to him. He tendered the explanation and after hearing him, by the order dated 01-02-2023 for the detailed reasons, the committee has now dropped the proceedings expressly observing that there was no material to indicate that he had obtained the validity certificate by practising fraud.

5. Even the learned AGP in presence of the officer of the scrutiny committee who is present in the Court confirms the fact that the notice issued to Laxman Tukaram Kanle has been dropped by the scrutiny committee by the aforesaid order.

6. Once Laxman's validity has been confirmed, the rest of the validity holders to whom this Court has granted conditional validities relying upon his validity and even the petitioner being the niece, is entitled to derive the benefit of the social status.

7. Suffice for the purpose to rely upon the observations in paragraph no. 22 and 23 of the ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***. For this reason alone we are not required to go through and consider sustainability of the impugned order which now is liable to be quashed and set aside.

8. Writ petition is allowed.

9. The impugned order is quashed and set aside.
10. The respondent – scrutiny committee shall now issue the tribe validity certificate to the petitioner as expeditiously as possible and in any case within one week.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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