

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

WRIT PETITION NO.4272 OF 2023

**ABHIPRIYA ABHIMANYU IBITE THROUGH FATHER AND
NATURAL GUARDIAN ABHIMANYU RAM IBITE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND ANOTHER**

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Advocate for the Petitioner : Shri Sunil M. Vibhute
AGP for Respondents 1 and 2/State : Shri S.P. Tiwari

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

DATE :- 13th April, 2023

Per Court :-

1. The Petitioner is the father of a 17 years old daughter, whose claim of belonging to “Rajgond”, Scheduled Tribe category, is tendered for validation recently on 26.12.2022.
2. The contention is that two biological sisters and one cousin sister of the Petitioner, have been granted the validity certificates by the High Court. Besides, there are five other validity holders amongst the blood relatives. The Petitioner declares that she would rely upon the vigilance cell enquiry reports tendered in the cases of her two biological sisters,

namely, Abhiruchi and Abhilasha. The Petitioner relies upon the recent judgment delivered by the Honourable Supreme Court dated 24.03.2023 in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, Civil Appeal No.2502/2022*.

3. The learned AGP submits that there are certain issues which are best left to the competent Committee to consider.

4. Considering the above and the fact that the proposal of the Petitioner has been recently tendered for validation, it would be appropriate to grant breathing time to the Committee considering that this Court has been passing orders almost every day mandating the Committee to decide the claims within a time frame.

5. As such, **this Writ Petition is disposed off** with the direction that the Committee shall decide the claim of the Petitioner on or before 31.10.2023.

6. Needless to state, the Petitioner can file an affidavit before the Committee for adopting the vigilance cell enquiry reports of her biological sisters. The Committee would deal with the said contention in the light of the judgment delivered by the

Honourable Supreme Court in *Maharashtra Adiwasi Thakur
Jamat Swarakshan Samiti (supra)*.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)