

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

991 WRIT PETITION NO.5298 OF 2022

AMOL LINGURAM TUMMOD
VERSUS
STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND ANOTHER

...
Advocate for Petitioner : Mr. R.K. Mendadkar h/f. Mr. Phatale Sagar S.
Addl.GP for the respondent – State : Mrs. M.A. Deshpande
...

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

DATE : 6 JULY 2023

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

Heard the learned advocate for the petitioner as also the learned AGP.

2. Petitioner is impugning the order passed by the respondent – scrutiny committee refuting his claim of belonging to the *Mannervarlu* scheduled tribe.

3. We need not go into the merits of the matter and undertake any scrutiny of the reasoning resorted to by the scrutiny committee for the simple reason that in view of the decision in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, particularly the observations in paragraphs no. 22 to 24, since the petitioner's real

sister – Anuja, apart from several others having been granted conditional validity by this Court in writ petition no. 2553 of 2018 by the order dated 27 July 2018 (Principal Seat), even the petitioner deserves to be treated equally.

4. The writ petition is allowed partly.

5. The impugned order is quashed and set aside.

6. The respondent scrutiny committee shall now issue tribe certificate to the petitioner within two weeks which shall be subject to the following conditions :-

(a) The validity would depend upon final outcome of the matters which the scrutiny committee has decided to re-open in respect of the validity holders.

(b) The petitioner and his relatives shall co-operate the scrutiny committee in early disposal of those re-opened matters.

(c) The petitioner will not be entitled to claim equity.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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