

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6914 OF 2021

Shriniwas S/o Rameshwar Mitke

.. Petitioner

Versus

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] Municipal Corporation of Greater Mumbai,
Head Quarter, Mumbai C.S.T.,
Mumbai – 400 001
Through its Commissioner

3] Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad
Dist. Aurangabad

.. Respondents

**WITH
WRIT PETITION NO. 6930 OF 2021**

Rameshwar S/o Marotirao Mitke

.. Petitioner

Versus

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] Deputy Director (Research)
and Member Secretary
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad
Dist. Aurangabad

3] The Chief General Manager,
Aurangabad District Central Co-op. Bank Ltd.,
Dr. Rajendra Prasad Marg,
Jalna Road, Aurangabad

.. Respondents

**WITH
WRIT PETITION NO. 7490 OF 2021**

Jayram S/o Venkatrao Mitke
Versus

.. Petitioner

- 1] The State of Maharashtra,
Through its Secretary,
Industries, Energy and Labour Department,
Mantralaya, Mumbai – 32.
- 2] The Principal Accountant General (A& E) – II
Maharashtra, Nagpur,
Office of the Accountant General (A & E) – II,
West High Court Road, Civil Lines, Nagpur,
Maharashtra – 440 001.
- 3] The Commissioner of Labour,
Maharashtra State, Mumbai
Kamgar Bhavan, 4th Floor, C-20,
E Block, Opp. Reserve Bank, BKC,
Bandra (E), Mumbai – 51.
- 4] The Deputy Labour Commissioner,
Pushpa Nagari, Central Bus Stand Road,
Aurangabad, Dist. Aurangabad
- 5] The Assistant Labour Commissioner,
Latur, Dist. Latur
- 6] Deputy Director (Research)
and Member Secretary
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad
Dist. Aurangabad

.. Respondents

**AND
WRIT PETITION NO. 6949 OF 2021**

Suhasini D/o Rameshwar Mitke
Versus

.. Petitioner

- 1] The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai – 32.

2] Maharashtra University of Health Science,
Through its Registrar, Dindori Road, Mhasrul,
Nashik Dist. Nashik

3] Seth GS Medical College and KEM Hospital,
Acharya Donde Marg, Parel,
Mumbai – 400 012
Through its Dean

4] Deputy Director (Research)
and Member Secretary
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad
Dist. Aurangabad

.. Respondents

...
Mr. C.R. Thorat, Advocate for petitioners in all WPs
AGP for the respondent – State : Mr. S.G. Sangale
...

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

DATE : 19 AUGUST 2023

ORDER (MANGESH S. PATIL, J.) :

By these four separate writ petitions, the petitioners are challenging the common order passed by the respondent – scrutiny committee thereby confiscating and cancelling their tribe certificates as belonging to Mannervarlu scheduled tribe under section 7(1) of the Maharashtra Act no. XXIII of 2001.

2. We have heard both the sides finally for some time and perused the papers.

3. At the outset, it is to be noted that the learned advocate for the petitioner submits that the petitioner in writ petition no. 6930 of 2021 – Rameshwar he is no more. The petitioners Shrinivas and

Suhasini are his daughters and their third sister Manjusha has already been granted certificate of validity. Consequently, his matter abates. Obviously, this would not lead to any adverse inference against his three daughters if they do not put up a challenge even in respect of his invalidation. His writ petition no. 6930 of 2021, therefore, stands disposed of as abated.

4. Admittedly, in writ petition no. 2937 of 2019 – Ragini Vasant Mitke who happens to be the distant cousin of the petitioner – Shriniwas and Suhasini from the paternal side has been granted certificate of validity by order of this Court. Similarly, Ragini's real cousin Shraddha and distant cousin Rahul Hanumant have also been granted certificate of validity by the order of this Court passed in writ petition no. 9590 of 2023. Rutuja who is the real sister of Shraddha has already been granted certificate of validity by the order of this Court in writ petition no. 5857 of 2019. Apart from these many certificates of validity granted to the blood relations by the order of this Court, even the real uncle of petitioners – Shriniwas and Suhasini by name Bapurao Maruti Mitke and his three daughters Smita, Savita and Bhagyashri and son Sandip have been granted certificates of validity. Besides, the petitioner – Jayram's son Tushar is real brother Ashok, Ashok's son – Manoj, another real brother – Vasant, his son Akshay, uncle of Rahul Hanumant by name Suresh Digambarrao and Sanjay Digambarrao have been granted certificates of validity. It is trite that if there is no dispute about the genealogy, a person is entitled to derive the benefit of the certificates of validity of the blood relations.

5. It is to be noted that this Court had granted certificates of validity to the afore-mentioned some of the individuals subject to a condition that those validities would depend upon the outcome of the

matters which the committee had intended to re-open in respect of the validity holders which according to it were obtained by practising fraud.

6. If the petitioners are ready to run the risk of facing the consequences as spelt out in the matter of Shweta Balaji Isankar Vs. State of Maharashtra and others (writ petition no. 6230 of 2017), we see no impediment in allowing these petitioners to have similar certificates of validity subject to the final outcome of the matters which the committee has decided to re-open.

7. Hence, the following order :-

ORDER

- I) Writ petitions no. 6914 of 2021, 7490 of 2021 and 6949 of 2021 are partly allowed.
- II) The impugned orders are quashed and set aside.
- III) The respondent – scrutiny committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe strictly in accordance with the format prescribed without adding anything.
- IV) These certificates of validity shall be subject to the final outcome of the matters which the scrutiny committee has decided to re-open.
- V) The petitioners shall not be entitled to claim equities.
- VI) Rameshwar Mitke's petition (WP/6930/2021) is disposed of as abated.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/