

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

WRIT PETITION NO. 6427 OF 2023

Nikhil s/o Balaji Kothewad,
Age 21 years, Occ. Student,
R/o. At Vanjarwadi, Post Rui,
Tq. Naigaon Kh., Dist. Nanded

... **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 Kinwat,
Headquarter Aurangabad,
Near CIDCO Bus Stand Aurangabad,
District Aurangabad

... **Respondents**

...

Advocate for the Petitioner : Mr. Chandrakant R. Thorat
A.G.P. for the Respondents/State : Mr. S.G. Sangale

CORAM	: MANGESH S. PATIL & SHAILESH P. BRAHME, JJ.
DATE	: 27.09.2023

PER COURT :

Heard both the sides finally.

2. The petitioner is challenging the order of invalidation.
3. The learned advocate for the petitioner submits that the petitioner's real sister Nikita has been granted certificate of validity by the order of this Court in Writ Petition No. 9164/2019 subject to the condition that it would be subject to the final outcome of the matters of the validity holders which the committee had decided to reopen. He would submit that the petitioner should be granted certificate of validity conditionally in a similar manner.

4. The learned A.G.P. submits that the committee has elaborately recorded reasons why it was not inclined to extend the benefit of the validities in the family. Several manipulated record was traced. There were contrary entries and on objective scrutiny the decision has been rendered which cannot be faulted with.

5. When admittedly the petitioner's father, paternal uncle and aunt possess certificates of validity and when this Court has directed certificate of validity to be issued to the petitioner's real sister Nikita, we see no reason as to why he can be deprived of deriving a similar benefit.

6. We do not intend to comment on the powers of the Committee to undertake such review or reopen the inquiries. Even if it has such a power, we do not intend to make any observations touching the circumstances which according to the Committee constitute fraud, for two reasons. Since it is an issue which is directly and substantially in issue under consideration of the Scrutiny Committee we cannot make any observation which could have some bearing on that inquiry. Secondly, the validity holders are not before us. Therefore, we also do not intend to cause any prejudice to them by making certain observations touching the alleged fraud. We leave it at that.

7. The Writ Petition is partly allowed. The impugned judgment and order is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificate of validity to the petitioner of 'Mannervarlu' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.

8. The petitioner shall not be entitled to claim any equities.

(SHAILESH P. BRAHME, J.)
mkd/-

(MANGESH S. PATIL, J.)