

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9680 OF 2021

Sachin Datta Surewad

... Petitioner

Versus

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

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Aurangabad Division,
Aurangabad through its
Member Secretary

3] The Sub Divisional Officer,
Degloor, District Nanded

4] The Walchand College of Engineering,
(An Autonomous Institute)
Vishrambhag, Sangli,
District Sangli, through its Dean

... Respondents

WITH
WRIT PETITION NO. 634 OF 2022

Swapnil Sahebrao Surewad

... Petitioner

Versus

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

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad through its
Member Secretary

3] The Sub Divisional Officer,
Biloli, District Nanded

... Respondents

**WITH
WRIT PETITION NO. 8282 OF 2021**

Ambika Shivaji Surewad

... Petitioner

Versus

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

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad, through its
Member Secretary

3] The Sub Divisional Officer,
Biloli, District Nanded

4] The Dean,
Dr. Shankarrao Chavan Govt. Medical
College and Hospital, Vishnupuri,
Nanded, District – Nanded

5] The Chief Nurse,
Dr. Shankarrao Chavan Govt. Medical
College and Hospital, Vishnupuri,
Nanded, District - Nanded

... Respondents

**WITH
WRIT PETITION NO. 7907 OF 2021**

Datta Laxman Surewad

... Petitioner

Versus

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

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad, through its
Member Secretary

3] The Taluka Executive Magistrate,
Biloli, District Nanded

4] The Chief Executive Officer,
Zilla Parishad, Osmanabad

5] The Head Master,
Zilla Parishad School, Nipani,
Tq. Kallam, District - Osmanabad

... Respondents

**WITH
WRIT PETITION NO. 8672 OF 2021**

Shrikant Balaji Surewad

... Petitioner

Versus

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

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad, through its
Member Secretary

3] The Sub Divisional Officer,
Degloor, District Nanded

4] The Deputy Commissioner of Police,
(Head Quarter),
Aurangabad City, Aurangabad

... Respondents

**WITH
WRIT PETITION NO. 9305 OF 2021**

Shriniwas Sahebrao Surewad

... Petitioner

Versus

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

2] The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad through its
Member Secretary

3] The Sub Divisional Officer,
Biloli, District Nanded

... Respondents

...

Advocate for Petitioners in all petitions: Mr. M.A. Golegaonkar
AGP for Respondents/State in all petitions : Mr. S. G. Sangale
Advocate for Resp. No. 4 in WP-9680-2021 : Mr. Manoj Shinde

...

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

DATE : 10 AUGUST 2023

ORDER (MANGESH S. PATIL, J.) :

By way of these separate writ petitions, six persons are challenging the common order passed by the respondent - scrutiny committee whereby their tribe certificates as belonging to Mannervarlu scheduled tribe have been confiscated and cancelled under section 7(1) of the Maharashtra Act no. XXIII of 2001.

2. Considering that some of the petitioners are in urgent need of documents and, therefore, decision of this Court, the matters are taken up for final disposal at admission stage.

3. We have heard both the sides in detail and perused the papers.

4. Obviously, in the light of ***Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee no. 1 and others; 2010 (6) Mh.L.J. 401*** and ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, if the certificates of validity are granted to the blood relatives from the paternal side, the incumbent is entitled to have a similar certificate of validity if those are issued by following due process of law.

5. Though the committee has now resorted to a fresh scrutiny in spite of several earlier validities and has reached to a conclusion that the validity certificates were obtained by resorting to fraud and misrepresentation, this ground will have to be established in a full fledged enquiry.

6. We do not intend to make any comment on the aspect of powers of the committee to undertake a review and the facts which according to the committee constitute fraud or misrepresentation. We

are doing so for two reasons; firstly the validity holders are not before us and we do not intend to cause any prejudice to them by making observations in this matter behind their back and secondly, any observation made by us could have a bearing on the matters which the committee has decided to re-open.

7. Admittedly, there are at least 11 validity holders in the blood line. The invalidation of one Sangita Kisan Surewad of the year 2006 is stated to be concealed from the committee, however, pertinently there are validities in the family right from the year 2002 of the real cousins - Ravikumar Venkatrao, Gajanan Venkatrao and Ratnamala Balaji. If such is the state-of-affairs, the petitioners deserve to be extended the benefit of the validity more so when their learned advocate, on instructions, submits that they are ready to run the risk of facing the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 5611 of 2018).

8. Besides, admittedly Suchita Datta who is the real sister of petitioner/Sachin, Saylee Saheb who is his first degree cousin and one Vivek Ravikumar have been granted conditional validities by the order of this Court obviously subject to the decision to be taken by the committee in the matters it has decided to re-open.

9. Hence, the following order :-

ORDER

- (i) The writ petitions are partly allowed.
- (ii) The impugned order dated 14.06.2021 passed by the respondent no.2/Scrutiny Committee is quashed and set aside.
- (iii) The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- (iv) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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