

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

948 WRIT PETITION NO.7736 OF 2022

- 1) Nagesh Govind Govindwar,
Age Minor Occ. Student,
- 2) Swapnil Govind Govindwar,
Age Minor, Occ. Student
both under Guardian of father
Govind Nagnath Govindwar,
Age 46 years, Occ. Agril.
R/o. Savarmal, Tq. Mukhed,
Dist. Nanded.
- 3) Hariom Balaji Govindwar,
Age 19 years, Occ. Student,
R/o. Savarmal, Tq. Mukhed,
Dist. Nanded.

VERSUS

- | | | |
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| 1) | The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai -32. | |
| 2) | The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat (Head Office
Aurangabad), Dist. Aurangabad,
Through its Deputy Director (R)
Aurangabad. | |
| 3) | The Sub-Divisional Officer,
Degloor, Tq. Degloor, Dist. Nanded. | ... Respondents. |

Advocate for Petitioners : Mr. Umesh Gite h/f Mr. Jadhavar Pratap V.
AGP for Respondents/State : Mr. S.R. Yadav-Lonikar

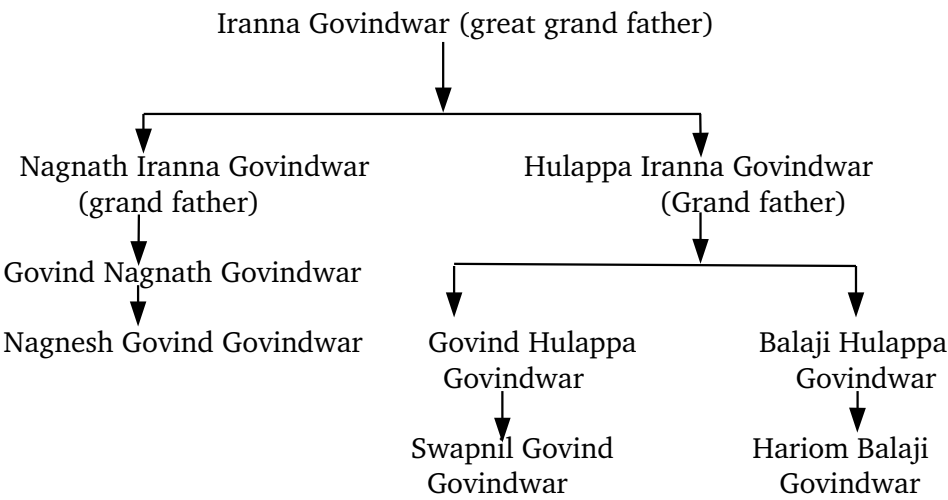
**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 12.09.2023

PER COURT :

Heard both the sides finally.

2. The petitioners are challenging the order passed by the respondent-competent authority refusing to issue certificate of ‘*Mannervarlu*’ scheduled tribe in a proceeding under Section 4 and even their appeal preferred under Section 5 of the Maharashtra Act XXIII of 2001 has been dismissed by a common order.
3. The learned advocate for the petitioner submits that the petitioners have produced a genealogy pursuant to the order passed by this Court on the last date which is as under :



He submits that Balaji who is the father of the petitioner Hariom possesses a tribe certificate issued way back in the year 1991.

4. However, pertinently, neither the orders passed by the respondent-competent authority nor the order under challenge of the scrutiny committee point out that this certificate of Balaji was produced before them. If the petitioners have been relying upon this piece of evidence, it was for them to have produced it before the authorities so that there could have been some objective scrutiny regarding their entitlement based on this tribe certificate in the family.

5. Since it is a matter of social status, it cannot be decided as if it is a litigation. If the petitioners are ready to satisfy the authorities once again by leading cogent and convincing evidence that option should always remain open.

6. We allow the writ petition partly, quash and set aside both the orders and relegate the petitioners before the respondent No. 3-competent authority who shall permit the petitioners to lead additional evidence and take the decisions afresh.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-