

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO.8427 OF 2022
WITH WP/8428/2022

LAXMI LINGURAM MANDAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.R.B.Dhakane, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : FEBRUARY 16, 2023

PER COURT :

1. The petitioner in WP No.8427/2022 is the daughter of Linguram Mandawar. Petitioner Nos 1 and 2 in WP No. 8428/2022, Sneha Ashok Mandawar and Sanjana Ashok Mandawar, are the daughters of Ashok, who is the biological brother of the first petitioner and son of Linguram Mandavar. Sayanna is the biological brother of Linguram. His son Sayaram has been issued with the Mannervarlu Scheduled Tribe Certificate. His grand son Aniket, who is the son of Bhumesh, biological brother of Sayaram, has also been granted a Mannervarlu Scheduled Tribe certificate.

2. The SDO has refused to issue the Tribe Certificate to Laxmi, Sneha and Sanjana. The reason why the Committee also has refused to grant Scheduled Tribe Certificates to these 3 petitioners, is that though they are relying upon the certificates issued to the other relatives referred to above, such documents can be relied upon only after a validity certificate is granted to the certificate holders. We find this to be a lame excuse, notwithstanding that a reference is made to clause 4(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

3. This Court has passed 2 orders dated 19.07.2022 and 02.02.2023 in WP Nos. 2216/2021 and 1132/2023, respectively. The Committee had refused caste certificate to the father when the son was granted a certificate and in the other case, to the son when the father was granted a certificate. Strange are the ways in which this Committee functions and applies its logic.

4. This was a fit case for imposing costs on the members of the Committee. However, since the learned AGP has urged us to give one chance to the Committee and refrain from imposing costs on this occasion, that we are not imposing costs.

5. Both these petitions are, therefore, partly allowed. The Mannervarlu Scheduled Tribe Certificate be issued to Laxmi Mandavar, Sneha Mandavar and Sanjana Mandavar, by respondent No.2, on or before 28.02.2023. Needless to state, these directions and issuance of the certificates pursuant thereto, would not create any equities in favour of these petitioners and they cannot rely on this order while seeking validity to the said certificate.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)