

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8895 OF 2022

Rushikesh S/o Vitthalrao Tummod,
Age : 23 years, Occu. : Student,
R/o. Near Gandhi Chowk, Biloli,
Tq. Biloli, Dist. Nanded

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through Principal Secretary,
Technical and Higher Education Department,
Mantralaya, Mumbai – 32
- 2] The Director of Technical Education,
Maharashtra State,
3, Mahapalika Marg, Opp. Metro Cinema,
Mumbai
- 3] University of Mumbai,
Mahatma Gandhi Road,
Mantralaya, Fort, Mumbai,
Maharashtra – 400 032
Through its Registrar
- 4] The Scheduled Tribe Certificate
Verification Committee Kinwat,
Headquarter – Aurangabad,
Through its Deputy Director (Research)
and Member Secretary,
Near CIDCO Bus Stand, Aurangabad
Dist. Aurangabad
- 5] Veermata Jijabai Technological Institute,
H R Mahajani Rd, Matunga,
Mumbai, Maharashtra 400 019
Through its Director

.. Respondents

WITH
WRIT PETITION NO. 8896 OF 2022

Kishor S/o Vitthalrao Tummod,
Age : 25 years, Occu. : Student,
R/o. Near Gandhi Chowk, Biloli,
Tq. Biloli, Dist. Nanded
At present : C/o. P.C. Muttepod,
Building No. G-3, Park Infinia, Hadapsar,
Pune, Dist. Pune

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through Principal Secretary,
Technical and Higher Education Department,
Mantralaya, Mumbai – 32
- 2] The Director of Technical Education,
Maharashtra State,
3, Mahapalika Marg, Opp. Metro Cinema,
Mumbai
- 3] The Scheduled Tribe Certificate
Verification Committee Kinwat,
Headquarter – Aurangabad,
Through its Deputy Director (Research)
and Member Secretary,
Near CIDCO Bus Stand, Aurangabad
Dist. Aurangabad
- 5] Vishwakarma Institute of Technology,
666, Upper Market Road,
Upper Indira Nagar, Bibwewadi,
Pune, Maharashtra 411 037
Through its Director

.. Respondents

AND

WRIT PETITION NO. 11957 OF 2021

Rohit S/o Nagnath Tummod
Age : 22 years, Occu : Student,
R/o. Near Gandhi Chowk, Biloli,
Tq. Biloli, Dist. Nanded

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32
- 2] Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad
Through its Deputy Director (Research),
and Member Secretary

.. Respondents

...
Mr. C.R. Thorat, Advocate for petitioners in all petitions
AGP for the respondent – State : Mr. P.S. Patil in all matters
Advocate for the respondent no. 3 : Mr. Avinash Borulkar (WP/8895/2022)
Advocate for respondent no. 4 : Mr. G.K. Naik Thigle (WP/8896/2022)
...

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

DATE : 21 JUNE 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard both sides finally in all these petitions wherein different members of the family are impugning the similar orders passed by the respondent – Scheduled Tribe Certificate Verification Committee cancelling the tribe certificates issued to them by the competent authorities as belonging to Mannervarlu scheduled tribe. Since the petitioners are aspiring to undertake further education / pursue further education and being from the same extended family, we have taken up all these matters for final disposal at once.

2. At the outset it is necessary to note that there is no dispute as far as the petitioners being the blood relatives *inter se* who have been relying upon the validities of the same individuals.

3. Apart from commenting upon various other aspects of the impugned orders, the learned advocate Mr. Thorat for the petitioners would vehemently submit that this Court has been taking a consistent view that so long as the validities granted to the blood relations are

sustaining, its benefit cannot be denied to the other blood relatives like the petitioners, like in the matters of ***Suraj Balaji Isankar Vs. State of Maharashtra*** (writ petition no. 7895 of 2022) dated 26-09-2022, ***Pratibha Narayan Gudalod Vs. State of Maharashtra and others*** (writ petition no. 1744 of 2020) and her sister ***Sangita Narayan Gudaold*** (writ petition no. 1754 of 2020) vide common order dated 08-06-2023, ***Anuja Linguram Tummod Vs. State of Maharashtra and others*** (writ petition no. 2553 of 2018 – Principal Seat) order dated 27-07-2018, ***Jyoti Sheshrao Mupade Vs. State of Maharashtra and others*** (writ petition no. 1954 of 2009 with connected civil applications order dated 22-08-2012). He would point out that even in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, such a contingency has been dealt with in paragraphs no. 22 and 23. When there is no dispute between the blood relations of the validity holders and these petitioners, a similar course will have to be adopted of granting validity certificates to the petitioners making those conditional upon the final outcome of the validities to be re-opened.

4. The learned advocate would pertinently demonstrate that all these petitioners have been relying upon several authorities including that of ***Anuja Linguram Tummod*** (supra) who herself was granted the conditional validity by this Court. He would, therefore, submit that the petitioners deserve to be granted validity certificates,

may be conditional and they would not claim any equities and would face the consequences of the decisions reaching finality in respect of the validity holders whose cases the committee intends to re-open.

5. The learned AGP makes an endeavour to take us through the entire record and the reasons given by the committee for discarding the claims of the validity holders. He would submit that the decisions are based on plausible appreciation of the fraudulent claims based on forged documents and obtained by practising fraud. He would also point out that the committees have considered the decision of this Court in the matter of **Jyoti Sheshrao Mupade** (supra) for not relying upon circumstance of validity certificates having been granted to some of the blood relations.

6. At the outset it is necessary to note that no dispute has been raised by the respondents as regards the petitioners being blood relations inter se and are relying upon the validity certificates of the same individuals one of which is **Anuja Linguram Timmod** (supra). As is mentioned above she was granted conditional validity after having considered the fact that the cases of some of the validity holders namely, Sujeet Rajaram Tummod and Sumeet Rajaram Tummod were reopened by issuing notices to them. Pertinently, this Court noticed that the show cause notices were issued to Sujeet and Sumeet on 12-09-2017 and till the date of the order of this Court

passed in the year 2018. No final decision has been taken in respect of their validities even after lapse of almost 5 years after Anuja was granted conditional validity. The Committees have been unable to take a final decision even in respect of these validity holders Sujeet and Sumeet. Consequently, for this reason alone, even petitioners would be entitled to derive the benefit of these validities which are still in force.

7. We allow the writ petitions partly.

8. The impugned orders are quashed and set aside.

9. The respondent – committees shall now issue validity certificates to the petitioners as expeditiously as possible and in any case within two weeks.

10. All such validity certificates would be subject to the ultimate decision / decisions to be arrived at and would stand cancelled in case the validity certificates granted to the afore-mentioned blood relations are cancelled / revoked. In that event, the petitioners shall not be entitled to claim equities and would stand to lose all the benefits derived by them on the basis of the validity certificates being issued to them.

11. We direct the scrutiny committee to conclude the proceedings wherever they have decided to re-open the validities as expeditiously as possible and in any case within six months.

12. It would be imperative for the petitioner/s as well as their blood relations whose cases are opened or would be opened by the scrutiny committee to co-operate with the scrutiny committee in early disposal of such re-opened cases.

13. Any lapse on their part noticed by this Court would be considered seriously and even this Court may revoke the conditional validity granted to the petitioners at any point of time.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/