

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**WRIT PETITION NO. 930 OF 2023 AND
CIVIL APPLICATION NO. 10967 OF 2023 IN WP/930/2023**

Ankita D/o Balaji Anmod

.. Petitioner

Versus

- 1] The State of Maharashtra
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai
- 2] The Scheduled Tribe Caste Certificate
Verification Committee Kinwat, At Aurangabad
Through its Dy. Director (R),
Aurangabad, Dist. Aurangabad
- 3] The Principal,
Agriculture College of Latur,
Tq. and Dist. Latur
- 4] The Principal,
Panjabrao Deshmukh
Agriculture College, Akola
Tq. And Dist. Akola

.. Respondents

**AND
WRIT PETITION NO. 955 OF 2023 AND
CIVIL APPLICATION NO. 10972 OF 2023 IN WP/955/2023**

Nikita D/o Balaji Anomd

.. Petitioners

Versus

- 1] The State of Maharashtra
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai
- 2] The Scheduled Tribe Caste Certificate
Verification Committee Kinwat, at Aurangabad
Through its Dy. Director (R),
Aurangabad, Dist. Aurangabad
- 3] The Principal,
Shri Guru Govind Singhji Institute of Engineering
& Technology, Vishnupuri,
Nanded, Dist. Nanded

.. Respondents

AND
WRIT PETITION NO. 957 OF 2023
CIVIL APPLICATION NO. 10966 OF 2023 IN WP/957/2023

Akshay S/o Balaji Anmod

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai
- 2] The Scheduled Tribe Caste Certificate
Verification Committee Kinwat, At Aurangabad
Through its Dy. Director (R),
Aurangabad, Dist. Aurangabad
- 3] The Principal,
Yashwantrao Chavan College
of Engineering, Wanadongari,
Nagpur, Dist. Nagpur

.. Respondents

...
Advocate for petitioners in all WPs : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.G. Sangale
...

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

DATE : 31 AUGUST 2023

ORDER (MANGESH S. PATIL, J.) :

Heard learned advocate for the petitioners as also the learned AGP finally.

2. The petitioners who claim to be Mannervarlu scheduled tribe are challenging the order of invalidation passed by the respondent - scrutiny committee.

3. The learned advocate for the petitioners submits that the first validity holder in the family is one Maheshwar Nagnath Anmod whose proposal was rejected by the competent authority but his appeal was allowed and he was granted certificate of validity pursuant to order of that appellate authority passed on 21-09-1999. Even if there are couple of invalidities of 2005, this first validity in the family would enure to the benefit of the rest of the individuals. There are as many as 14 subsequent validity holders including petitioners' father - Balaji Jairam and paternal aunt Usha Jairam. Since there is no dispute about the genealogy and the petitioners being the blood relatives of all these validity holders are entitled to have the certificates of validity.

4. The learned AGP opposes the petitions. He submits that the invalidities were concealed while obtaining the certificates of validity by 14 other individuals. There were contrary entries wherein the petitioners' relations were shown to be Munurvar or Munurvad which had weighed with the committee while discarding the claim. He also points out that even Maheshwar Nagnath who is the first validity holder had obtained the order of the appellate authority by concealing this contrary record and, therefore, the petitioners are not entitled to derive the benefit.

5. He further submits that some of the validity holders obtained the certificate of validity from a committee headed by Mr. V.S.

Patil and the working of that committee was found to be dubious. One validity holder has obtained the certificate of validity by a committee which was not legally constituted.

6. Admittedly, even going by the genealogy available in the file of the scrutiny committee, the original validity holder Maheshwar Anmod had succeeded in appeal to get the order regarding his entitlement to have a certificate of validity. Even if the committee now intends to establish some fraud on his part in designedly concealing the contrary record, till the time the certificate of validity possessed by him is not confiscated and cancelled by following due process of law, merely because the committee now entertains some doubt and castigates him about having practised fraud, the benefit cannot be denied to the petitioners to have the validity certificates.

7. We do not intend to make any comment on the aspect of the 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.

8. The committee has questioned the composition of the then committee which decided the matter of one of the validity holders. In our considered view, a successor committee cannot question such composition more so when according to rule 9(3), the decision of the committee which comprises of three members can be by majority. In that matter, there was no dispute about the eligibility of the other two members and consequently, this ground will not be sustainable.

9. Though it is a matter of record that there were couple of invalidities in the family of the year 2005 those were subsequent to the certificate of validity issued to Maheshwar in the year 1999. Even if those invalidities are alleged to be concealed from the committee, the first validity of Maheshwar will enure to the benefit of all the family members.

10. Besides, merely because there is some invalidity in the family, in our considered view, that cannot bind the family members from claiming a certificate of validity. If those individuals were unable to substantiate their claims and to discharge the burden cast upon them by virtue of section 8 of the Maharashtra Act No. XXIII of 2001, it can be said that those decisions would otherwise bind the other family members. If other family members are able to substantiate their claims by leading cogent and convincing evidence they would be able to have certificates of validity irrespective of the orders of invalidation.

11. In the circumstances, so long as validity possessed by Maheshwar Anmod is not recalled and cancelled, the petitioners are entitled to derive the benefit of the validity.

12. In the result, the following order :-

- I) The writ petitions are partly allowed.
- II) The impugned orders are quashed and set aside.
- III) The respondent - committee shall immediately issue the tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without incorporating anything. The validities shall be subject to the final outcome of the matters which the committee has decided to re-open.
- IV) The petitioners and their relations shall co-operate the committee in early decision of the re-opened matters.
- V) The petitioners shall not be entitled to claim equities.
- VI) Pending civil applications are disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/