

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

WRIT PETITION NO. 9328 OF 2023

1. Aishwarya Baliram Dandewad
aged 19 years, Occu. : Student

2. Akash Baliram Dandewad
aged 23 years, Occu. : Student,

Both residing at Post Ghungarala,
Tal. Naigaon, Dist. Nanded.

.. Petitioners

Versus

1. State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-400 032.

2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat Division,
Having its headquarters at
at Aurangabad, through its
Member Secretary, having its
office at Aurangabad,
Dist. Aurangabad.

.. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioners.

Shri S. G. Sangale, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 01 AUGUST 2023.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both respective sides for final adjudication at the admission stage.

2. The petitioners are challenging a common judgment and order dated 18.07.2023 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe claims of the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The petitioners are real sister and brother. The petitioners have placed on record the genealogy and the validity certificates of the paternal side close relatives. The vigilance report and the orders issuing validities to Manohar Mahajan Dandewad and Maruti Satwa Dandewad are also placed on record. Despite cogent material on record they are discriminated by the scrutiny committee is their grievance.

4. The learned Assistant Government Pleader would submit that the validity certificate issued to Manohar Mahajan Dandewad suffers from infirmities and same is unreliable. It is based upon the validities certificates from maternal side relatives. By suppressing contrary entries the validity certificates were procured. It is further informed that the scrutiny committee has decided to reopen the validity certificates. Show cause notices are issued by the scrutiny committee to them.

5. We have considered the rival submissions canvassed by the parties. The genealogy is placed on record which is at page No. 72. It reveals that Nagorao, Manohar and Maroti were issued with the validity certificates. They are paternal side relatives of

the petitioners. It is seen from the record that Manohar Mahajan Dandewad was the first validity holder. There was vigilance enquiry in his matter. By reasoned order he was issued with the validity certificate on 25.08.2006. Similar is the case in respect of another validity holder Maroti Satwa Dandewad. We find that the validity certificates on which reliance is placed are secured by following due procedure of law. They are reliable. The petitioners are entitled to the validity certificates on the ground of parity.

6. We also notice that there is vigilance enquiry in the case of the petitioners. The reply to the vigilance report is filed by the petitioners explaining adverse circumstances. There are old entries of the school record of father as well as uncle. We find that there is cogent material on record to issue validity certificate to the petitioners. The scrutiny committee has undertaken reverification of the validity certificates. The committee can look into the infirmities in the matter of validity certificate of Manohar and others. It is inappropriate for us to offer any comments on the submissions made by the learned A. G. P. The impugned judgment and order is perverse and unsustainable.

7. For the reasons recorded above, we dispose of this writ petition by passing following order.

O R D E R

1) The writ petition is partly allowed. The impugned order is

quashed and set aside. 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 reopened matters.

2) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23