

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

WRIT PETITION NO.9616 OF 2023

Aniket Pralhad Kanle
through Power of Attorney Holder
Pralhad Munjaji Kanle

... 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 Aurangabad through its Dy. Director (R), Dist. Aurangabad.

... RESPONDENTS

Advocate for Petitioner : Mr. Sunil M. Vibhute
AGP for Respondents: Mr. S.K. Tambe

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

DATE : 21.08.2023

PER COURT :

Heard the learned advocate for the petitioner and the learned AGP finally at the stage of admission.

2. The petitioner is challenging the order of invalidation.
3. The learned AGP has placed before us the genealogy prepared by the vigilance officer in the present matter starting from the original ancestor Narayan Kanle. He was survived by three sons Purbhaji,

Nanasaheb and Chimanaji. Purbhaji had a son Tukaram and three daughters. Tukaram is survived by three sons Chimnaji, Taterao and Laxman. The Committee had entertained a doubt about there being fraud practised on the then scrutiny committee in the matter of Laxman and had refused to extend the benefit of his validity to his niece Anuradha Chimnaji Kanle. However, subsequently, a notice to show cause was issued to Laxman Tukaram Kanle. After inquiry, by the order dated 01.02.2023 the Committee for the reasons mentioned in that order dropped the show cause notice. Consequently, the certificate of validity granted to the Laxman Tukaram Kanle has reached finality.

4. For this reason alone Anuradha whose tribe claim was also turned down by the scrutiny committee was granted certificate of validity by the order of this Court in Writ Petition No.4825/2020 dated 06.07.2023.

5. The present petitioner Aniket Pralhad Kanle is the great grandson of Nanasaheb Narayan Kanle the second son of the original ancestor Narayan. Since the papers of the Scrutiny Committee and even the vigilance officer admit the genealogy, depicting petitioner in the branch of his great grandfather who is obviously, the cousin great grandfather of Laxman, even the petitioner deserves the same treatment of having a certificate of validity.

6. We were stuck since the record of the Scrutiny Committee demonstrated about the petitioner's proposal having been turned down by it but neither the petitioner was provided with a copy of the order nor was it

produce before us in spite of couple of chances having been extended to the Committee. Today, the learned AGP places on record the original file in the petitioner's matter containing the order passed by the Committee.

7. In view of the above, the learned advocate for the petitioner seeks leave to amend the petition. Leave is granted. Amendment to be carried out forthwith.

8. The writ petition is allowed. The impugned order is quashed and set aside. The respondent – Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe to the petitioner in the prescribed format without adding anything.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)