

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

WRIT PETITION NO. 9625 OF 2023

Sachin s/o Vitthalrao Kalyanpad,
Age 26 years, residint at post Ambulga,
Tq. Mukhed, Dist. Nanded

... **Petitioner**

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Certificate
Scrutiny Committee Kinwat Division,
Headquartered at Aurangabad,
through its Member Secretary

... **Respondents**

...

Advocate for the Petitioners : Mr. R.K. Mendadkar h/f Mr. Phatale Sagar S.
A.G.P. for the Respondents/State : Mr. S. G. Sangale

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

DATE : **07.08.2023**

PER COURT :

Heard both the sides finally at the stage of admission.

2. By way of this petition under Article 226 of the Constitution of India read with Section 7(2) of the Maharashtra Act XXIII of 2001 (hereinafter the Act).

3. The petitioner is challenging the order passed by the respondent no. 2-scrutiny committee confiscating and cancelling his tribe certificate as belonging to '*Mannervarlu*' scheduled tribe by resorting to Section 7(1) of the Act.

4. At the outset, it is necessary to note that a genealogy has been prepared by the vigilance officer in an enquiry undertaken in respect of eight individuals including the present petitioner. One Hanmantu Kalyanpad has been shown as a common ancestor having two sons Bhumanna and Vithoba. Present petitioner's father Vitthal is the great grand son of Vithoba. It can

be seen that Mayuri Shriram Kalyanpad who happens to be a great grand daughter of Bhumanna being the daughter of his grand son Shriram was granted a blanket validity by the order of this Court in Writ Petition No. 10490/2017 dated 03.10.2017. When Mayuri's brother Aniket faced a similar invalidity he had approached this Court in Writ Petition No. 2315/2022. Since the committee expressed its intention to go for a review in respect of the order passed by this Court in the matter of Mayuri, by the order dated 18.02.2022 this Court had granted a conditional validity to Aniket, subject to the review that was to be taken out by the respondent-scrutiny committee. A statement is now being made that till date nothing has progressed in respect of the committee's desire to go for a review. Again, another first degree cousin of Aniket and Mayuri by name Gayatri Govind was also granted a conditional validity in Writ Petition No. 9330/2018 on 17.11.2022, again, subject to the decision in the review that was to be preferred.

5. If the committee has merely decided to go for a review since the year 2017 and still has not been able to take it to the logical end, it would be appropriate that the petitioner is granted a validity which can be made subject to the decision in the review in the matter of Mayuri.

6. The writ petition is allowed. The impugned order is quashed and set aside. The respondent no. 2-committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlu*' scheduled tribe, which shall be subject to the decision if at all some review is preferred by the committee in the matter of Mayuri d/o Shriram Kalyanpad.

7. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-