

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12698 OF 2021

Kum. Dipali D/o Devrao Tiparse

.. Petitioner

Versus

- 1] The State of Maharashtra
Through Secretary
Tribal Development Department
Mantralaya, Mumbai
- 2] The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad Division
Plot No. 10, Sector E-1, Near Saint Lawrence
High School, Opp. CIDCO Bus Stand,
Aurangabad
- 3] The Sub Divisional Officer,
Office of SDO, Collectorate,
Nanded
- 4] The Collector,
Collectorate,
Nanded
- 5] Maharashtra University of Health Sciences,
Mhasrul, Vani Dindori Road,
Nashik, Maharashtra
Through its Registrar
- 6] The Dean,
Through Nair Nayar Hospital
Dental Medical College, Mumbai Central

.. Respondents

AND
WRIT PETITION NO. 2191 OF 2020

Kum. Rupali D/o Devrao Tiparse

.. Petitioner

Versus

- 1] The State of Maharashtra
Through Secretary
Tribal Development Department
Mantralaya, Mumbai

- 2] The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad Division
Plot No. 10, Sector E-1, Near Saint Lawrence
High School, Opp. CIDCO Bus Stand,
Aurangabad
- 3] The Sub Divisional Officer,
Office of SDO, Collectorate,
Nanded
- 4] The Senior Director,
NEET (UG) – 2019
West Block-1, Wing No. 6,
2nd Floor, R.K. Puram
New Delhi
- 5] The Director General of Health Services,
Directorate General of Health Services,
Government of India,
Nirman Bhawan,
Maulana Azad Road,
New Delhi, Delhi – 110 011
- 6] The Director,
Directorate of Medical Education & Research
St. George's Hospital, Near CSMT,
Mumbai

.. Respondents

AND
WRIT PETITION NO. 2192 OF 2020

Rushikesh Devrao Tiparse

.. Petitioner

Versus

- 1] The State of Maharashtra
Through Secretary
Tribal Development Department
Mantralaya, Mumbai
- 2] The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad Division
Plot No. 10, Sector E-1, Near Saint Lawrence
High School, Opp. CIDCO Bus Stand,
Aurangabad
- 3] The Sub Divisional Officer,
Office of SDO, Collectorate,
Nanded

4] The Collector,
Collectorate,
Nanded

.. Respondents

AND
WRIT PETITION NO. 5108 OF 2020

Abhishek S/o Suresh Tiparse

.. Petitioner

Versus

1] The State of Maharashtra
Through Secretary
Tribal Development Department
Mantralaya, Mumbai

2] The Scheduled Tribe Certificate
Scrutiny Committee Through Vice Chairman,
Aurangabad Division
Plot No. 10, Sector E-1, Near Saint Lawrence
High School, Opp. CIDCO Bus Stand,
Aurangabad

3] The Sub Divisional Officer,
Office of SDO, Collectorate,
Nanded

4] The Senior Director,
NEET (UG) – 2019
West Block-1, Wing No. 6,
2nd Floor, R.K. Puram
New Delhi – 110 066

5] The Director General of Health Services,
Directorate General of Health Services,
Government of India,
Nirman Bhawan,
Maulana Azad Road,
New Delhi, Delhi – 110 011

6] The Director,
Directorate of Medical Education & Research
St. George's Hospital, Near CSMT,
Mumbai

.. Respondents

AND
WRIT PETITION NO. 4352 OF 2020

Saikiran S/o Pandit Tiparse

.. Petitioner

Versus

- 1] The State of Maharashtra
Through Secretary
Tribal Development Department
Mantralaya, Mumbai
- 2] The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad Division
Plot No. 10, Sector E-1, Near Saint Lawrence
High School, Opp. CIDCO Bus Stand,
Aurangabad
- 3] The Sub Divisional Officer,
Office of SDO, Collectorate,
Nanded
- 4] The Collector,
Collectorate,
Nanded

.. Respondents

AND
WRIT PETITION NO. 4364 OF 2020

Kum. Neha D/o Gangadhar Tiparse

.. Petitioner

Versus

- 1] The State of Maharashtra
Through Secretary
Tribal Development Department
Mantralaya, Mumbai
- 2] The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad Division
Plot No. 10, Sector E-1, Near Saint Lawrence
High School, Opp. CIDCO Bus Stand,
Aurangabad
- 3] The Sub Divisional Officer,
Office of SDO, Collectorate,
Nanded

4] The Collector,
Collectorate,
Nanded

.. Respondents

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Advocate for petitioner in all WPs : Mr. M.A. Golegaonkar
AGP for the respondent – State : Mr. S.G. Sangle
Advocate for respondent no. 5 : Mr. P.P. More (WP/12698/2021)
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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 24 JULY 2023

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

Writ petitions no. 5108 of 2020, 4352 of 2020 and 4364 of 2020 are not on board but are taken on board on the request since even these petitioners are challenging the selfsame order which is a common order in respect of all these petitioners.

2. Heard the learned advocate for the petitioners in all the petitions and the learned AGP.

3. The petitioners are siblings *inter se*. They are aggrieved by the judgment and order dated 16-07-2019 which is passed in common in the matter of petitioner – Rushikesh and petitioner – Rupali and few other individuals. Their tribe claim as belonging to *Mannervarlu* scheduled tribe has been invalidated and incidentally, in the process of deciding the proposal in respect of Rushikesh and Rupali and others, even the validity certificates issued to the petitioner – Dipali has been seized and cancelled. In fact, she was granted

validity certificate on the basis of order passed by this Court in writ petition no. 10406 of 2017 apparently without even issuing any notice to her and *ex facie* behind her back.

4. The learned AGP, on instructions, submits that the review petition (stamp) no. 29763 of 2019 has been filed at the Principal Seat in respect of writ petition no. 10406 of 2017 in the matter of Dipali (*supra*). He would submit that all the validity holders being relied on by all these petitioners were obtained by practising fraud and the committee in exercise of powers under section 7(1) has decided to revoke and cancel the validity certificates.

5. For the time being, we are merely concerned with the fact that the petitioner – Dipali was granted validity certificate pursuant to the order of this Act. Once this is the state-of-affair, we wonder how the committee could have independently exercised the powers under section 7(1) of the Act no. XXIII of 2001, more so when some steps are being taken in the form of filing a review petition in the matter of Dipali (*supra*). This decision of the Scrutiny Committee is without jurisdiction and *void ab initio*.

6. Be that as it may. The petitioner - Dipali has been granted validity certificate by this Court and so long as it is not cancelled or revoked, by following due procedure of law, Rushikesh and Rupali being the real brother and sisters deserve to be granted the validity

certificates obviously subject to the decision to be taken in the review petition.

7. The writ petitions are allowed partly.

8. The impugned order is quashed and set aside to the extent of all the three petitioners.

9. The committee shall now grant the validity certificates to Rushikesh and Rupali immediately which shall be subject to the decision to be taken in the matter of review petition filed in the case of Dipali.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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