

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

WRIT PETITION NO. 10194 OF 2023

Abhishek Sanjay Govindwar
Through Natural Guardian i.e.
Father Sanjay Venkatrao Govindwar ... Petitioner

VERSUS

The State of Maharashtra and another ... Respondents

...
Advocate for the Petitioner : Mr. Sagar S. Phatale
A.G.P. for the Respondents/State : Mr. A.A. Jagatkar

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 18.08.2023

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

Heard both the sides.

2. The petitioner is challenging the order passed by the respondent – scrutiny committee confiscating and cancelling his tribe certificate of Mannervarlu scheduled tribe by resorting to section 7(2) of the Maharashtra Act No. XXIII of 2001.

3. Since the petitioner has been admitted to B. Pharmacy course and tomorrow being the last date for him to produce the certificate of validity, we have taken the matter for final disposal with the consent of both the sides.

4. Admittedly, the petitioner's real sister – Shraddha Sanjay Govindwar was also similarly aggrieved by the order of the scrutiny committee and had approached this Court in writ petition no. 8121 of 2020. By order dated 16-12-2020, for the reasons mentioned therein and following

the decision in the matter of ***Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee no. 1 and others; 2010 (6) Mh.L.J. 401*** coupled with the fact that few other blood relations were already granted similar conditional validities in writ petition no. 7543 of 2018, she was directed to be issued with a certificate of validity which was subject to the decision to be taken by the committee in respect of the matters which it had intended to re-open.

5. Since the petitioner is the real brother of Shraddha for the selfsame reasons, the following order is passed :

ORDER

I) The writ petition is partly 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 in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

II) All the validity holders from the petitioner's family who have received the show cause notices, shall co-operate the committee in early decision of the re-opened matters.

III) The petitioner shall not be entitled to claim equities.

IV) The learned AGP is requested to immediately communicate this order to the concerned committee.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

arp/-