

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10320 OF 2023

Manisha D/o Shivaji Tondewad

.. Petitioner

Versus

1] The State of Maharashtra
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai – 400 001.

2] Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Office at Aurangabad
through its Member Secretary

.. Respondents

AND

WRIT PETITION NO. 10329 OF 2023

Anuja D/o Shivaji Tondewad

.. Petitioner

Versus

1] The State of Maharashtra
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai – 400 001.

2] Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Office at Aurangabad
through its Member Secretary

.. Respondents

...

Mr. Sagar S. Phatale, Advocate for petitioner in both WPs
AGP for the respondent – State : Mr. S.G. Sangale

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

DATE : 21 AUGUST 2023

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

Heard both the sides finally.

2. The petitioners are challenging the order passed by the respondent – scrutiny committee confiscating and cancelling their tribe certificates as belonging to Mannervarlu scheduled tribe under section 7(1) of the Maharashtra Act no. XXIII of 2001.

3. Considering the exigency, we have heard the matters at the stage of admission.

4. We have gone through the record. There is no dispute about the genealogy. The common ancestor - Mahajan Sambhaji Tondewad was survived by six sons Sheshrao, Uttam, Shivaji, Ramji, Ganpati and Vishwanath. The petitioner Manisha is the daughter of Shivaji. Petitioner Anuja is the daughter of Ramji. Admittedly, petitioner Manisha's real sister Nagmani and real brother Satyajit have been granted certificates of validity.

5. Pertinently, in the matter of petitioners' real paternal uncle Vishwanath, it can be noticed that twice he was before this Court challenging the invalidation and the matters were remanded back to the committee to reconsider his claim. Subsequently, the committee by a reasoned order granted certificate of validity to him. Even if now the committee intends to undertake some scrutiny in respect of the alleged fraud, till the time certificates of validity are not confiscated and

cancelled by following process of law, the blood relations cannot be deprived of having the benefits.

6. Hence, the following order :-

ORDER

- I) The writ petitions are partly allowed.
- II) The impugned orders are quashed and set aside. The respondent - committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without incorporating anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
- III) Petitioners' relatives shall co-operate the committee in early decision of the re-opened matters.
- IV) The petitioners shall not be entitled to claim equities.

**[SHAILESH P. BRAHME]
JUDGE**

**[MANGESH S. PATIL]
JUDGE**

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