

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

**1047 WRIT PETITION NO.10933 OF 2019**

Anjali D/o Gangadhar Girod,  
Age 23 years, Occ. Student,  
R/o. At post Kandli Tq. Bhokar  
Dist. Nanded.

... **Petitioner.**

Versus

- 1) The State of Maharashtra  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32.
- 2) The Director of Medical Education,  
Saint John Hospital Campus,  
Mumbai-32.
- 3) Maharashtra University of Health Science,  
Through its Registrar  
Dindori Road, Mharsul, Nashik  
District Nashik.
- 4) Deputy Director (Research) and  
Member Secretary, Scheduled Tribe  
Certificate Verification Committee,  
Near Saint Lawrence High School,  
Town Centre, CIDCO, Aurangabad,  
District Aurangabad.
- 5) Nanded Rural Dental College and  
Research Centre, Nanded District  
Nanded, Through its Principal

... **Respondents**

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Advocate for the Petitioner : Mr. Thorat Chandrakant R.  
A.G.P. for the Respondent Nos. 1, 2, 4 and 5 : Mr. S.G.Sangale.  
Advocate for Respondent No. 3 : Mr. K.M. Suryawanshi  
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**1047 WRIT PETITION NO.10808 OF 2019**

Ankita D/o Gangadhar Girod,  
Age 20 years, Occ. Student,  
R/o. At post Kandli Tq. Bhokar  
Dist. Nanded.

... **Petitioner.**

Versus

- 1) The State of Maharashtra  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32.
  - 2) Deputy Director (Research) and Member Secretary,  
Scheduled Tribe Certificate Verification  
Committee, Near Saint Lawrence High School,  
Town Centre, CIDCO, Aurangabad,  
District Aurangabad.
  - 3) The Maharashtra Council of Agricultural  
Education and Research, Pune Tq. &  
Dist. Pune, through its Director.
  - 4) The Registrar,  
Vasantrao Naik Marathwada Agricultural  
University, Parbhani Tq. & Dist. Parbhani.
  - 5) Netaji Subhashchandra Bose College of  
Agriculture, Markhel Tq. Degloor,  
Dist. Nanded, Through its Principal
- ... Respondents

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Advocate for the Petitioner : Mr. Thorat Chandrakant R.  
A.G.P. for the Respondent Nos. 1, 2, 4 : Mr. S.G.Sangale.

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### 1047 WRIT PETITION NO.10855 OF 2019

Saiprasad d/o Sayanna Girod,  
Age 19 years, Occ. Student,  
R/o. At post Kandli Tq. Bhokar  
Dist. Nanded.

... Petitioner.

Versus

- 1) The State of Maharashtra  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32.
  - 2) Deputy Director (Research) and Member Secretary,  
Scheduled Tribe Certificate Verification  
Committee, Near Saint Lawrence High School,  
Town Centre, CIDCO, Aurangabad,
- ... Respondents

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Advocate for the Petitioner : Mr. Thorat Chandrakant R.  
A.G.P. for the Respondent Nos. 1, 2, 4 : Mr. S.G.Sangale.

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**CORAM** : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.  
**DATE** : 26.07.2023

**PER COURT :**

Writ Petition No.10933/2019 alone is on board. Other two petitions are not on board. Taken on board on request and the papers have been called.

2. Since the petitioners are challenging the self-same order which is a common order seizing and cancelling their tribe certificates as belonging to 'Mannervarlu' scheduled tribe, being related by blood relation from paternal side, all these petitions are taken up for final disposal at the stage of admission in the light of the exigency being demonstrated.

3. We have carefully considered the rival submissions and perused the impugned order.

4. The learned advocate for the petitioners would submit that petitioner Saiprasad's father Sayanna Bhojanna is the validity holder. Petitioners Anjali and Ankita are real sisters and nieces of validity holder Sayanna. He submits that at the time of enquiry in respect of Sayanna a vigilance report was obtained. The officer had collected the school record of the petitioners' grand father Bhojanna Sayanna mentioning his caste as 'Mannervarlu'. It was of 21.07.1952. It was expressly mentioned that there was no manipulation and pursuant to such an enquiry Sayanna was granted validity certificate. The committee has its own doubts and has decided to reopen the validity of Sayanna. Notice was served to him and the enquiry is going on.

5. The learned advocate submits that till the time Sayanna's tribe validity certificate is not cancelled, all the three petitioners are entitled to derive the

benefit. The grounds mentioned in the impugned order referring to the so called contrary entries are not sustainable. The oldest entry of grand father has been found to be favourable entry and the petitioners should be granted the benefit of at least a conditional validity.

6. The learned A.G.P fairly concedes that as far as genealogy is concerned, there is no dispute that the petitioners Anjali and Ankita are real sisters *inter se* and petitioner Saiprasad is their cousin. He also admits that Sayanna was issued with a validity certificate. A show cause notice was issued to him and the enquiry is going on.

7. Without indulging into any other dispute regarding the favourable or contrary circumstances, since validity granted to Sayanna Bhojanna is still valid, we are bound to follow the decision in the matter of ***Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee; 2010 (6) Mh.L.J. 401.***

8. The Writ Petitions are partly allowed. The impugned order is quashed and set aside. The respondent-scrutiny committee shall immediately issue tribe certificates to each of these petitioners as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision in the matter of Sayanna Bhojanna which is already under scrutiny.

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

( SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-