

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

WRIT PETITION NO. 10573 OF 2023

- 1) Swati Chandrakant Marakwad,
Age 27 years, Occ. Student,
R/o. Hatral, Tq. Mukhed, Dist.
Nanded.
- 2) Neha Chandrakant Marakwad,
Age 25 years, Occ. Student,
R/o. Hatral, Tq. Mukhed,
Dist. Nanded.
- 3) Rahul Chandrakant Marakwad,
Age 23 years, Occ. Student
R/o. Hatral Tq. Mukhed,
Dist. Nanded.

... **Petitioners**

VERSUS

- 1) The State of Maharashtra.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Head Quarter, Aurangabad
Through its Deputy Director (R)
- 3) The Principal
Government Ayurved College,
Sakkardara, Umred Road,
Raje Raghuji Nagar, Nagpur.
- 4) The Registrar,
Health University, Dindori Road,
Nashik.

... **Respondents**

...

Advocate for the Petitioners : Mr. Pratap V. Jadhavar
A.G.P. for the Respondents/State : Mr. S.G. Sangale

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

DATE : **24.08.2023**

PER COURT :

The petitioners who are siblings are challenging the common order passed by the respondent-scrutiny committee confiscating and cancelling their certificates of 'Mannervarlu' scheduled tribe.

2. Since the petitioners are seeking to undergo admission process for the current academic year in the professional courses, the matter is heard finally at the stage of admission.

3. We have considered the rival submissions and perused the papers. Following the principles in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, a person is entitled to have a certificate of validity if there is already a certificate of validity issued to his blood relation from the paternal side, provided it is issued by following due process of law and undertaking the enquiry as is contemplated under the Maharashtra Act XXIII of 2001 and the Rules framed thereunder.

4. The petitioners have been relying upon the validity certificates issued to Chandrakant Nivruti Marakwad, Sunita Madhavrao Marakwad and Dnyaneshwar Madhavrao Marakwad apart from the several other validity holders who are more than 10 in number across all the branches. The committee has now expressed its intention to reopen the cases of the validity holders on the premise that they had obtained the certificates of validity by resorting to concealment and fraud. However, conspicuously, it has not observed that no procedure as is contemplated under the Act and the Rules was followed while issuing validity certificates to these many individuals. Pertinently, there are atleast five individuals who have been granted certificates of validity pursuant to the orders of this Court.

Sr.No.	Name of validity holders	No. of Writ Petition
1)	Shrikant Ramchandra Marakwad	10497/2017
2)	Manoj Shivaji Marakwad	7482/2018
3)	Mayur Shivaji Marakwad	12471/2018
4)	Vishakha Tanaji Marakwad	8200/2020
5)	Shrikant Tanaji Marakwad	8227/2020

5. If such is the state of affairs, in our considered view, the committee may follow its own course and embark upon the reinvestigation in respect of

the validity holders, however, till the time these certificates are not confiscated and cancelled by resorting to the prescribed procedure contemplated under the Act and the Rules, the petitioners cannot be deprived of having the benefit of these validities.

6. So far as the alleged fraud is concerned, we do not intend to make any comment on the aspect of the powers of the committee to undertake a review and the facts which according to the committee constitute fraud or misrepresentation. We are doing so for two reasons; firstly, the validity holders are not before us and we do not intend to cause any prejudice to them by making observations in this matter behind their back and, secondly, any observation made by us could have a bearing on the matters which the committee has decided to re-open.

7. In the light of the above, the Writ Petition is partly allowed.

8. The impugned order is 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 adding anything. The validities shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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