

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10757 OF 2023

- 1) Hanmant Ganpat Nagrale,
Age 19 years, Occ. Student,
R/o. Kingaon, Tq. Ahamdpur,
Dist. Latur.
- 2) Vaishnavi Rangnath Nagrale,
Age Minor, Occ. Student,
Under Guardian of father
Rangnath Lingram Nagrale,
Age 49 years, Occ. Service
R/o. Kingaon Tq. Ahamdpur,
Dist. Latur.
- 3) Rushikesh s/o Rangnath Nagrale
Age 19 years, Occ. Student,
R/o. Kingaon, Tq. Ahamdpur,
Dist. Latur.

... Petitioners

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai-32.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Kinvat,
Headquarter Aurangabad,
Through its Deputy Director (R)

... Respondents

...

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

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

DATE : 29.08.2023

PER COURT :

Heard the learned advocate for the petitioners as also the learned A.G.P finally in view of the exigency since petitioners are to take admission through ongoing process for B.Sc., Nursing and Medical course, the matter is taken up urgently for final disposal.

2. We have perused the record and the impugned order. There is no dispute about the genealogy which starts from a common ancestor Masaji Gabru Nagrale. He was survived by four sons Lingram, Tukaram, Kisan and Tulshiram. Petitioners are the grand children of Lingram from his two sons Rangnath and Ganpat. Admittedly, Ganpat is a validity holder. Besides, petitioner Hanmant's real sister Megharani has been granted certificate of validity pursuant to the order of this Court in Writ Petition No. 9187/2019. Subsequently, Balaji Ranganth, Usharani Ganpat and Pratiksha Shivaji have also been granted certificates of validity by a common order of this Court in Writ Petition No. 8143/2020. Even Ashvin Dhondiram and Pooja Shivaji have also been granted certificates of validity by the order of this Court. The committee has refused to extend the benefit of validity of Ganpat Limgram who is the first validity holder on the ground that he had procured it by suppressing material facts and the committee has expressed its intention to reopen the validity.

3. Till the time, the committee does not confiscate and cancel the certificate of validity issued to Ganpat, the petitioners who are admittedly the blood relations from the paternal side cannot be deprived of the benefit of having atleast a conditional validity.

4. Pertinently, the committee has not observed that while granting the certificate of validity to Ganpat Limgram the procedure was not followed.

5. In the circumstances, relying upon the decision in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of***

Maharashtra and others; 2023 SCC Online SC 326 , when the petitioners siblings have been granted conditional validities even they are entitled to a same treatment.

6. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent-committee shall immediately issue tribe validity certificates to the petitioners as belonging to '*Koli Mahadev*' 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.

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

8. The learned A.G.P to immediately communicate the committee about passing of this order and issue validity certificates immediately.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-