



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12130 OF 2023

1. Rahul Raju Potulwar
Age: 20 years, Occu: Student
R/o. Kathewadi, Tq. Degloor
Dist. Nanded
2. Vaibhav Raju Potulwar
Age: 23 years, Occu: Student
R/o. Kathewadi, Tq. Degloor
Dist. Nanded
3. Sandeep Vyankatrao Potulwar
Age: 28 years, Occu: Student
R/o: Kathewadi, Tq. Degloor,
Dist. Nanded
4. Dilip Vyankatrao Potulwar
Age: 25 years, Occu: Student
R/o. Kathewadi, Tq. Degloor,
Dist. Nanded
5. Sanjana Vyankatrao Potulwar
Age: 23 years, Occu: Student
R/o: Kathewadi, Tq. Degloor,
Dist. Nanded

....Petitioners

VERSUS

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

.....Respondents

...
 Mr. Jadhavar Pratap V., Advocate for Petitioners
 Mr. S. V. Hange, AGP for the Respondent Nos.1 and 2

...
**CORAM : MANGESH S. PATIL &
 NEERAJ P. DHOTE, JJ.**

DATE : 12.12.2023

PER COURT :

. As directed by the order dated 07/11/2023, the learned Advocate for the petitioners tenders across the bar a copy of vigilance report served to them. The learned Advocate further points out that the reply filed by them to this report is already a part of record.

2. Heard both the sides finally.

3. The Committee in the impugned order has refused the petitioners' claim by pointing out the school record of the blood relations which contained the manipulations, wherein, earlier description as 'Munnuvar' in the caste column of the school register has been bracketed and word 'Mannervarlu' has been added subsequently. This being the oldest record. The Committee has taken a view that this would be a clinching evidence to reject the petitioners' claim.

4. Pertinently, the petitioners' cousin – Viraj Balaji Potulwar was also aggrieved by a similar order of invalidation on same set of evidence, which was collected during the vigilance. He had challenged the order in writ petition no.9046/2023. By the order dated 28/07/2023, this Court allowed the writ petition partly and Viraj was directed to be issued with a certificate of validity whose validity was made subject to the final outcome of the matters, which the Committee has decided to re-open in respect of the validity holders.

5. When this Court has already embarked upon and undertaken scrutiny of the claim of petitioners' cousin – Viraj and had objectively considered the same set of evidence regarding alleged manipulated school record, in our considered view when one of us [Mangesh S. Patil, J.] was a party to that decision, no fresh scrutiny of the same set of evidence need to be undertaken to arrive at a different conclusion.

6. It is necessary to note that there is no dispute about the genealogy and apart from Viraj's father – Balaji, father of petitioner nos.1 and 2 – Raju and several other blood relations mentioned in the impugned order possess certificates of validity. Relying upon the decision in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326**, in the matter of Viraj, this Court had held him entitled to have certificate of validity as mentioned herein-above.

7. Again, if Viraj was extended the benefit of the validities in the family, we see no reason why similar benefit cannot be extended to the petitioner. Needless to state that he would face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors. in WP No.6320/2017**. If the petitioners are ready to run that risk, we see no reason why the petitioners cannot be directed to be issued with certificates of validity.

8. For the reasons recorded in the matter of Viraj, the writ petition is partly allowed. The impugned order is quashed and set aside. The Scrutiny Committee shall issue certificate of validity to petitioners of 'Mannervarlu' Scheduled Tribe. Those shall be subject to the final outcome of the matters, which the Committee has decided to re-open.

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

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]

Sameer