

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

WRIT PETITION NO. 14131 OF 2021

Sidhi d/o Balaji Kanthewad,
Age – 21 years, Occu. - Education
R/o Kolha, Tq. Mudkhed,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through -its secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Member Secretary,
Aurangabad.
3. The Registrar,
College of Engineering, Pune,
Wellesely Road, Shivaji Nagar,
Pune-411005.
4. The Registrar,
Savitribai Phule Pune University,
Ganesh Khind Road,
Ganesh Khind, Pune.
5. Commissioner & Competent Authority
Maharashtra CET Cell, Govt. of
Maharashtra, 8th Floor new Excelsior
Building, A. K. Nayak Marg,
Fort, Mumbai -001.
6. Indira Institute of Management (I.I.M.P.)
85/5-B, Samanvay IT Campus,
New Pune Mumbai Highway,

Tathawade, Pune, Maharashtra 411033
(Through Its Registrar)

.. Respondents

Shri O. B. Boinwad, Advocate for the Petitioner.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 11 JULY 2023.

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard both the sides for final disposal of the writ petition.

2. The petitioner is challenging the judgment and order dated 13.11.2021 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The petitioner has relied upon validity certificates issued in favour of her father-Balaji Kanthewad, uncle – Pandharinath Kanthewad, cousins – Sheetal and Amit. The validity certificates, affidavits, extracts of the school records are also placed on record in support of her claim.

4. The scrutiny committee rejected her claim because the school record of the blood relatives of the petitioner was found to be incompatible with the tribe claim of the petitioner. There were contrary entries. The revenue record was not supporting her claim. The validity certificates were procured by suppression of material facts. The affinity test was also found to be against

her.

5. The learned Assistant Government Pleader for respondent Nos. 1 and 2 supports the impugned judgment and order. He further submits that the Scrutiny Committee has proposed to reopen the validity certificates relied on by the petitioner.

6. There are validity certificates of the blood relatives of the petitioner namely her father – Balaji, cousin – Sheetal and Amit and uncle – Pandharinath. The genealogy is produced on record at page No. 79 of the petition. The same is not disputed by the respondents. The validity certificate is issued to the father of the petitioner after following due procedure of law. The relevant material was taken into account. Unless the validity of the father of the petitioner is revoked or cancelled, we are bound to rely upon the same.

7. We are guided by the principles laid down by the Supreme Court in para Nos. 22 to 24 in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023(2) Mh.L.J. 785**.

8. We hold that committee has committed patent illegality by passing impugned judgment and order. The same is unsustainable in law. The petitioner is entitled to receive conditional validity.

9. We therefore pass following order.

ORDER

- A. The writ petition is partly allowed.
- B. The judgment and order dated 13.11.2021 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue validity certificate of 'Mannervarlu' (Scheduled Tribe) to the petitioner within a period of two (02) weeks from today.
- D. The validity certificate issued to the petitioner shall be subject to the decision of the Committee in case of revocation or cancellation of certificates of validity holders, relied by the petitioner.
- E. The petitioner shall not claim any equity in case the validity certificates of the blood relatives are revoked or cancelled.
- F. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23