

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13131 OF 2023

Avinash S/o Potanna Lakhamawad

.. Petitioner

Versus

1] The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat Division, Aurangabvad
Through its Member-Secretary

3] Sub-Divisional Officer,
Dharmabad, Dist. Nanded

.. Respondents

...
Advocate for petitioner : Mr. Madhur A. Golegaonkar
AGP for the respondent – State : Mr. S.G. Sangale
...

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

DATE : 3 NOVEMBER 2023

PC :

Heard both the sides finally at the stage of admission.

2. Petitioner is challenging the order of invalidation passed by the respondent – scrutiny committee thereby confiscating and cancelling his Mannernvarlu scheduled tribe certificate.

3. Learned advocate for the petitioner submits that petitioner's real sister's claim was similarly invalidated by the

committee for the selfsame reason. The same contrary entries as were relied upon to invalidate her claim have been relied upon even in his matter. The evidence was objectively considered by this Court in writ petition no. 1295 of 2022 wherein sister Anikta had challenged that order. After considering and commenting upon the selfsame contrary entries in respect of Dharmanna Devanna and by considering the grandfather's school record of 1951, she was directed to be issued certificate of validity subject to the condition that it will depend upon the outcome of the matters of the validity holders which the committee had decided to reopen.

4. The learned AGP submits that this Court has considered the contrary entry and the record discussed in the present matter, even while deciding Anikta's writ petition. He further informs that the show cause notices have been issued to the validity holders and submits that a plausible decision taken by the scrutiny committee may not be interfered with.

5. Admittedly, petitioner's father Potanna possesses a certificate of validity and so does his sister Ankita, may be conditional one, as per the order of this Court. Besides, there are three more validities in the family of the near blood relatives. Though the committee has decided to undertake re-scrutiny of the validities granted to them for the reasons mentioned in the order, till the time

those matters are not taken to its logical end, the petitioner cannot be deprived of having the benefit of conditional validity.

6. Pertinently, a contrary entry in respect of the one of the validity holders Devendra Dharmanna was also considered by this Court while considering Ankita's case and after considering the school record of grandfather, she was held entitled to have a conditional validity.

7. In the light of the above, in our considered view, the petitioner deserves to have conditional validity.

8. In the result, the following order :-

I) The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' 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 already re-opened.

II) The petitioner shall not be entitled to claim equities.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/