

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.13170 OF 2023**

1. Yogeshwari Prakash Papulwar
Age: 28 years, Occu: Student
R/o. Eklara, Tq. Mukhed,
Dist. Nanded

2. Rajnandini Prakash Papulwar
Age: 26 years, Occu: Student
R/o. Eklara, Tq. Mukhed
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, Kinwat,
Head Quarter, Aurangabad
Through its Deputy Director (R)

... Respondents

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Mr. P. V. Jadhav, Advocate for the Petitioners
Mr. V. M. Jaware, AGP for the Respondents/State

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

DATE : 08.12.2023

PER COURT :

. Heard.

2. The petitioners are challenging the order of invalidation.

3. Admittedly, the petitioners' father – Prakash and two real sisters – Vijayalaxmi and Padmavati possess certificates of validity. Besides, the real sister – Kaveri was also held entitled by the High Court to have a certificate of validity. The Committee has laboured to point out that their father – Prakash had obtained certificate of validity by resorting to fraud, it had decided to undertake afresh scrutiny of his claim in the light of supervening evidence collected during the subsequent proceedings. However, in spite of passage of several years, the Committee has not been able to take any final decision in respect of Prakash's validity. Kaveri's order was passed by this Court on 03/08/2018 and even then, it was expressly mentioned that her validity would be subject to the final outcome of Prakash's matter. However, the scenario has not undergone any visible change since then, for last five years.
4. Needless to state that since the petitioners are seeking to derive the benefit of the validities in the family, they are vulnerable to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors. in Writ Petition No.6320/2017**.
5. If the selfsame evidence has been scrutinized by a co-ordinate bench in the matter of **Kaveri Prakash Papulwar Vs. The State of Maharashtra & Ors. in Writ Petition No.8915/2018**, we see no reason why even the petitioners should not be granted certificates of validity conditionally, being Kaveri's real sisters.
6. The writ petition is partly allowed. The impugned order is quashed

and set aside. The respondent – Committee shall immediately issue certificates of validity to both the petitioners of ‘Mannervarlu’ Scheduled Tribe. Their validities would be subject to the final outcome of the matter in respect of their father – Prakash.

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

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]

Sameer