

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

WRIT PETITION NO. 9590 OF 2023

Rahul S/o Hanmantrao Mitke,
Age : 27, Occu: Student,
R/o : at present Plot No. 9,
Geeta Nagar, Jijamata Colony,
Anand Nagar, Taroda (B), Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Maharashtra State,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Division, (Headquarter Aurangabad)
Division, Plot No. 10, Sector E-1, Near
Saint Lawrence High School,
Opp. CIDCO, Bus Stand, Aurangabad
Through its Chairman.
3. Sub-Divisional Officer,
Nanded. .. Respondents

AND

WRIT PETITION NO. 9589 OF 2023

Shraddha D/o Vijay Shivangaonkar
Age: 18, Occu: Student,
R/o Near Durga Hospital, Maganpura,
Vasant Nagar, Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Maharashtra State,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Division, (Headquarter Aurangabad)
Division, Plot No. 10, Sector E-1, Near
Saint Lawrence High School,
Opp. CIDCO, Bus Stand, Aurangabad
Through its Chairman.
3. Sub-Divisional Officer,
Nanded. .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner in both matters.

Shri S. G. Sangle, A.G.P. for the Respondents/State in both matters..

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 AUGUST 2023.**

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

. Heard both sides for final adjudication of the matters. Considering the urgency expressed, matters are taken up for final hearing at the admission stage.

2. Both the petitions are arising out of common judgment and order dated 11.11.2022 passed by the respondent No. 2/Scrutiny Committee. The petitioners are related *interse*. Their caste certificates for 'Mannervarlu' (Scheduled Tribe) are invalidated

and confiscated by the impugned judgment. Hence they have approached this Court by way of present petitions.

3. The petitioners rely upon validity certificates issued to Ashok Venkatrao Mitke, Vasant Venkatrao Mitke, Uttam Govindrao Mitke, Raman Govindrao Mitke and Suresh Digambarrao Mitke, who are figuring in the genealogy at page No. 54 of the Rahul's matter. They further rely upon the orders passed by this Court in Writ Petition No. 5857 of 2019 and Writ Petition No. 2937 of 2019. Other documentary evidence is also placed on record for consideration.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him there are contrary entries, the validity certificates are not reliable, the genealogy produced in the proceedings is mismatching. He submits that there is no perversity or illegality in the impugned judgment and order. It is further informed that show cause notices are issued to the validity holders.

5. The petitioners' paternal side relatives Rutuja Raman Mitke and Ragini Vasantrao Mitke had filed Writ Petition No. 5857 of 2019 and Writ Petition No. 2937 of 2019 respectively. Orders of invalidation were challenged. Their writ petitions were allowed. Both the orders are produced on record during the course of hearing. In both the orders old revenue record was considered and the Committee was directed to issue validity

certificates. We also propose to adopt the same course.

6. The learned A.G.P. would submit that the genealogy produced in the proceedings is doubtful and mismatching. The orders of invalidation of Jayram and Tanuja were not disclosed. These submissions do not impress us. The Committee has already undertaken to conduct revocation. These aspects of the matter can be looked into by the Committee. We can offer no comment on the submissions of the learned A. G. P. at this juncture.

7. We hold that the impugned order is unsustainable. We therefore dispose of the writ petition by passing following order.

ORDER

A. The writ petitions are partly allowed.

B. The impugned orders are quashed and set aside. The Scrutiny Committee shall issue tribe validity certificates to the petitioners of 'Mannervarlu' (Scheduled Tribe).

C. These validities shall be subject to the decision to be taken by the Scrutiny Committee in the reopened matters.

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

E. The learned A. G. P. is requested to communicate this order immediately to the Scrutiny Committee, since tomorrow is

the last date for uploading the documents in the NEET-PG-23 admission process.

F. We are informed that out of three members of the Committee only two members are working as the third member has been promoted. Therefore, in view of such contingency, we direct the Committee to issue a validity certificate with the signatures of the two members who are available.

G. Parties to act on authenticated copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23