

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13574 of 2023

1. Sainath S/o Ashok Attamwad
Age 24 years, Occ.: Education
R/o. Nandkheda, Tq. Parbhani
Dist. Parbhani

2. Sapna D/o Ashokrao Attamwad
Age 24 years, Occ.: Education
R/o. Nandkheda, Tq. Parbhani
Dist. Parbhani

.... Petitioners

Versus

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

2. The Scheduled Tribe Certificate
Verification Committee Aurangabad
Through its Member Secretary,
Dist. Aurangabad

.... Respondents

AND

WRIT PETITION NO.13686 OF 2023

1. Rutuja D/o Vishwambhar Attamwad
Age 21 years, Occ.: Education
R/o. Nandkheda, Tq. Parbhani
Dist. Parbhani

.... Petitioner

Versus

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

2. The Scheduled Tribe Certificate
Verification Committee Aurangabad
Through its Member Secretary,
Dist. Aurangabad

.... Respondents

2

.....
Mr. S.M. Vibhute, Advocate for the Petitioners in both WPs
Mr. S.G. Sangale, AGP for Respondents – State in both WPs
.....

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

DATE : 31st OCTOBER, 2023

ORDER :

1. Heard both sides finally in both these petitions since it is a common order of the scrutiny committee invalidating their claims of belonging to 'Mammervarlu' scheduled tribe.

2. Learned advocate for the petitioners submits that the petitioners Sainath and Sapna are real siblings and petitioner Rutuja is their first degree cousin. He submits that petitioners' real uncle Shivaji was granted certificate of validity pursuant to the order of this Court in writ petition No.4482 of 2022 dated 02.02.2012. He was granted certificate of validity based on the subsequent event, wherein his son Sunil was issued certificate of validity by the then committee. This Court ascertained the fact as to whether the son had obtained the certificate of validity concealing the fact of invalidation of Shivaji's claim. After being satisfied that he had not practised fraud while obtaining certificate of validity, this Court had directed a certificated of validity to be

issued to Shivaji. Since that order has reached finality and since there is no dispute about the fact that these three petitioners are nephews of Shivaji, they are entitled to have certificates of validity.

3. Learned advocate for the petitioners also submits that the petitioners may be issued certificates of validity subject to the final outcome of the matters which the committee has decided to undertake re-scrutiny of the claim of Sunil and the review petition to be filed in respect of the Shivaji's matter. They are ready to face the consequences as expressed in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and others** [Writ Petition No. 6263 of 2017, decided by Bombay High Court on 20.06.2017.

4. Learned AGP submits that Sunil had obtained certificate of validity by practising fraud and by concealing several contrary entries. The committee observes that it was a fraud and has decided to undertake review in his matter. He was also served with the notice to show cause as to why the certificate of validity granted to him be not cancelled. The learned AGP would submit that since Shivaji was granted the certificate of validity pursuant to the order of this Court, the committee has also decided to

approach this Court by filing review petition. However, he submits that subject to the final outcome of these matters, the petitioners may be granted certificates of validity.

5. The Writ Petitions are partly allowed. The impugned order is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificate of validity to all the three petitioners of 'Mammervarlu' scheduled tribe, immediately. The validity certificates issued to the petitioners shall be subject to the final outcome of the matters of Sunil and Shivaji,

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

7. Learned A.G.P and the law officer of the committee, who are present in the Court shall immediately communicate this order to the committee.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

S.P Rane