

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

WRIT PETITION NO. 13618 OF 2023

Pranita Prakash Satamwar,
Age 18 years, Occ. Student,
R/o. Pala, Tq. Mukhed, Dist.
Nanded.

... **Petitioner.**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya Mumbai-32.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Headquarter Aurangabad,
Through its Deputy Director (R)

... **Respondents.**

...

Advocate for the Petitioner : Mr. Jadhavar Pratap V.
A.G.P. for the Respondents/State : Mr. S.G. Sangale

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

DATE : 30.10.2023

PER COURT :

The petitioner is challenging the order of invalidation passed by the respondent-scrutiny committee thereby confiscating and cancelling her tribe certificate of 'Mannervarlu'.

2. We have heard both the sides finally in view of the exigency, today being last date for her to secure admission.

3. Admittedly, the petitioner's two real cousins Yogesh Sanjay Satamwar and Nikhil Sanjay Satamwar possess certificates of validity. Nikhil was

granted certificate of validity after going through as many as eight documents and validity of one Virbhadra Vyankatrao Satamwar and the oldest school record of grandfather Vitthal Naganna Satmwar of 1958. Even vigilance enquiry was conducted and he was held to be entitled to possess a certificate of validity.

4. Pertinently, Yogesh was granted certificate of validity by the order of this Court in Writ Petition No. 10560/2021.

5. The committee has not disputed petitioner's relationship with the validity holder Nikhil and even his brother Yogesh, albeit it has observed that Nikhil had obtained certificate of validity by resorting to fraud and Yogesh was granted certificate of validity only conditionally. However, it has observed that it would reconsider validity of Nikhil.

6. We do not intend to comment on the powers of the Committee to undertake such review or reopen the inquiries. Even if it has such a power, we do not intend to make any observations touching the circumstances which according to the Committee constitute fraud, for two reasons. Since it is an issue which would be directly and substantially in issue under consideration of the Scrutiny Committee we cannot make any observation which could have some bearing on that inquiry. Secondly, the validity holders are not before us. Therefore, we also do not intend to cause any prejudice to them by making certain observations touching the alleged fraud. We leave it at that.

7. However, till the time the certificates of validity are not confiscated and cancelled by following due process of law, the petitioner cannot be denied the benefit more so when, as is observed herein above, Nikhil was granted certificate of validity by following due process of law, in the light of the observation of the Supreme Court in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023(2) Mh.L.J.785.***

8. The learned advocate for the petitioner submits that the petitioner is ready to run the risk of having a conditional validity and face the consequences as laid down in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and others (Writ Petition No. 6320 of 2017)**. We see no reason as to why the petitioner be denied a certificate of validity subject to the final outcome of the matter/s to be decided by the committee in respect of the validity holder/s.

9. The Writ Petition is partly allowed.

10. The impugned order is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificate of validity to the petitioner of '*Mannervarlu*' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.

11. The petitioner shall not be entitled to claim any equities.

12. Today being the last date the learned A.G.P shall immediately communicate this order to the committee so that the petitioner can secure the admission.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-