

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

WRIT PETITION NO.13932 OF 2023

1. Prerna Hirasing Dhirbassi
Age : 23 years, Occu : Education
R/o. Ayappa Nagar, Satara Parisar,
Tq. & Dist. Aurangabad.
2. Gurunanak Dipchand Dhirbassi
Age : 37 years, Occu : Education,
Plot No. 30, Gat No. 142, Chatrapati Nagar,
Satara Parisar, Tq. & Dist. Aurangabad .. Petitioners

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai
Through its Secretary
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad, Office at Aurangabad
Through its Member Secretary .. Respondents

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Advocate for Petitioners : Mr. Vivek U. Jadhav
AGP for Respondents / State : Mr. S. V. Hange

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

DATED : NOVEMBER 28, 2023

PER COURT :

1. Heard. Rule. Rule is made returnable forthwith. At the joint request, the matter is heard finally at the stage of admission.

2. The petitioners are challenging the order of the respondent

no.2 / Scrutiny Committee invalidating their claims of belonging to 'Naikda' Scheduled Tribe.

3. Though the petitioners' claims were separate, a common vigilance was recorded and by the impugned order which is also common the claims have been decided by undertaking scrutiny of a common evidence. Pertinently, the Scrutiny Committee has observed that it was only because both the petitioners were from the same family that their claims were being decided simultaneously by a common order.

4. Besides, the form 'F' submitted by the petitioners show the same genealogy and *inter se* relationship between them.

5. Admittedly, petitioner Prerna's brother and sister namely Swapnil and Bhagyashri, whose claims were similarly turned down by the Committee, had challenged that decision before this Court in Writ Petition No.10515 of 2023. For the reasons recorded in the order dated 25.08.2023 *inter alia* by making an observation that Prerna's father Hirasing was granted certificate of validity by following due process of law, the benefit of the validity was extended to Swapnil and Bhagyashri.

6. Admittedly, the petitioner Prerna is the real sister of Bhagyashri and Swapnil, whose claims have been considered by this Court and when there is no dispute about the petitioner Gurunanak

being related to them by blood from paternal side, in our considered view, even these petitioners are entitled to have a certificate of validity, obviously subject to the final outcome of the matter of Hirasing which the committee has decided to undertake a review of.

7. In light of the above, we proceed to pass the following order.

ORDER

- 1) The Writ Petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificates to the petitioners strictly in the prescribed form ‘G’ as belonging to ‘Naikda’ Scheduled Tribe. The validity shall be subject to the final decision in the matter of Hirasing Dhirbassi.
- 2) Learned AGP to communicate this order immediately to the concerned Committee.
- 3) The petitioners shall not be entitled to claim equities.

. Rule is made absolute accordingly.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE