

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14228 OF 2023

Kajal D/o Karmaveer Kaletwad

.. Petitioner

Versus

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

2] The Scheduled Tribe Caste Certificate
Verification Committee Kinwat at Aurangabad
Through its Dy. Director (R),
Dist. Aurangabad

.. Respondents

...

Advocate for the petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.G. Sangale

...

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

DATE : 8 NOVEMBER 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The petitioner is challenging the order of invalidation passed by the scrutiny committee.

3. We have heard both the sides finally at the stage of admission for the specific reasons as would be indicated hereinafter.

4. Admittedly, the petitioner was relying upon, apart from the documents to substantiate the claim, the validities in the family. For

whatever may be the reason for the committee to discard her claim, admittedly, the vigilance enquiry was resorted to by the committee in common for as many as 10 individuals including the petitioner.

5. We are unaware as to if the committee had, before referring the matter for vigilance enquiry had, as is expected of it in the light of the decision in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326*** particularly, the observations in paragraph no. 19, recorded the reasons before directing a vigilance enquiry.

6. We feel it appropriate to make these observations at this place because as is mentioned herein-above, the committee has resorted to a common vigilance enquiry in respect of 10 individuals but has been passing separate orders in each of those matters. Already, it has passed the orders in the matter of Pallavi Dattatray Kaletwad, Mayuri Chandrakant Kaletwad, Manvendra Balaji Kaletwad and Raveena Balaji Kaletwad. All those individuals by separate writ petitions had challenged the orders and this Court directed the conditional validities to be issued to them in different writ petitions, since the committee has been observing that it would be undertaking review in respect of the validities granted to the validity holders.

7. Unless, the committee has some doubt about the genealogy, then one cannot comprehend as to why it should resort to a common enquiry. Conversely, if the committee does not have any dispute about the genealogy and those 10 individuals being related *inter se* from the paternal side, why should there be separate orders. It is a matter of social status and irrespective of some documents produced by one but not by the other, all the evidence produced by each claimant would be relevant while considering the claim of each of these individuals.

8. Needless to state that since it is a common vigilance enquiry report, a common material produced by them and collected by the vigilance officer forms part of the report and each one of them will be extended opportunity to respond to the selfsame material. If this is so, conducting the matters of each of these individuals separately, in our considered view, would be duplication which could have been avoided. The committee could have passed a common order.

9. Be that as it may, as has been observed herein-above, all these individuals Pallavi, Mayuri, Manvendra and Raveena (*supra*) have been directed to be issued with certificates of validity subject to the ultimate decision in the matters of validity holders which the committee has decided to re-open, and, by relying upon several validities in the family. Even they have been put to notice that the

consequences as contemplated in the matter of ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017) would follow in case the validities granted are confiscated and cancelled. For the same reasons as are assigned in the petitions of Pallavi, Mayuri, Mannervarlu and Raveena (supra).

10. In the circumstances, the following order :-

I) The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

II) The petitioner shall not be entitled to claim equities.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/