

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO.14990 OF 2023

Tanmay Vijaykumar Thakurwad
Age 18 years, Occ. Student,
R/o. Kundalwadi, Tq. Biloli,
Dist. 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,
Aurangabad through its Chairman.
- 3) Sub Divisional Officer
Biloli, Nanded.

... Respondents

...
Advocate for Petitioner : Mr. Golegaonkar Madhur A.
A.G.P. for the Respondents/State : Mr. K. N. Lokhande.

...
AND

WRIT PETITION NO. 15005 OF 2023

Shubham Vijaykumar Thakurwad,
Age 24 years, Occ. Student,
R/o. Kundalwadi, Tq. Biloli,
Dist. 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,
Aurangabad through its Chairman.

3) Sub Divisional Officer
Biloli, Nanded.

... Respondents

...
Advocate for Petitioner : Mr. Golegaonkar Madhur A.
A.G.P. for the Respondents/State : Mr. K. N. Lokhande.

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

DATE : **07.12.2023**

PER COURT :

Both these Writ Petitions are coming for the first time.

2. Issue notice to the respondents for final disposal. Learned A.G.P. waives service for the respondents.

3. The petitioners are full brothers and are challenging a common order passed by the scrutiny committee whereby confiscating and cancelling their 'Mannervarlu' scheduled tribe certificates.

4. We have heard both the sides.

5. As noted above, in the impugned order, the vigilance enquiry conducted in the matter of petitioners' paternal cousin Manish Sanjay Thakurwad was allowed to be adopted by the petitioners together with the reply filed by him. This would be a decisive factor inasmuch as, the self-same entries/school record/pieces of evidence either in favour of the petitioners or against them have already been the subject matter before the committee which had dismissed the similar claim of Manish. He had challenged that order in Writ Petition No. 6053/2019. By the order dated 12.09.2023 the writ petition was partly allowed and he was held entitled to have a certificate of validity subject to certain conditions.

6. In view of above, coupled with the fact that the petitioners' father

possesses a certificate of validity apart from several other validities in the family, even the petitioners would be entitled to have certificates of validity which can be made subject to final outcome of the matters which the committee has decided to reopen.

7. Both the writ petitions are partly allowed. The impugned order is quashed and set aside. The respondent-committee shall immediately issue certificates of validity to both the petitioners of 'Mannervalur' scheduled tribe. Those would be subject to the final outcome of the matters which the committee has decided to reopen in respect of the validity holders.

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

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-