



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15208 OF 2023

Kanchita Sheshrao Kaletwad

Age: 26 years, Occu: Student,

R/o. Ambulga, 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, Kinvat,

Head Quarter, Aurangabad

Through its Deputy Director (R)

.....Respondents

...

Mr. Jadhavar Pratap V., Advocate for the Petitioner

Mr. S. V. Hange, AGP for the Respondents/State

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

DATE : 12.12.2023

PER COURT :

1. Heard both the sides.

2. The petitioner is challenging the order of invalidation passed by the Scrutiny Committee on 05/10/2023, thereby confiscating and cancelling her 'Mannervarlu' Scheduled Tribe certificate.

3. The parties are unanimous that in fact, even the petitioner's cousin – Kajal Karmaveer Kaletwad who was also seeking validation of her tribe certificate and a common vigilance inquiry was conducted. Meaning

thereby that even the Committee had considered them to be related by blood. Though the evidence being relied upon by both of them was also almost same, the Committee decided their proposals by separate orders. Kajal's matter was decided on 27/10/2023.

4. Aggrieved by the order, Kajal had preferred writ petition no.14228/2023. By the order dated 08/11/2023, this Court had allowed the writ petition partly by undertaking scrutiny of the same set of facts, circumstances and evidence and directed certificate of validity to be issued to her subject to the final out come of the matter, which the Committee has decided to re-open.

5. Since there was a common vigilance inquiry and the common evidence, when this Court has already undertaken scrutiny of selfsame reasons assigned by the Committee for deciding both these claims, the propriety demands that even petitioner's writ petition is allowed for the selfsame reasons as indicated in the matter of Kajal vide order dated 08/11/2023.

6. We allow the writ petition partly, for the same reasons as are assigned in the Kajal's matter decided on 08/11/2023. The impugned order is quashed and set aside. The Committee shall issue certificate of validity to the petitioner of 'Mannervarlu' Scheduled Tribe whose validity shall be subject to the final outcome of the matters of the validity holders which the Committee has decided to re-open.

7. The petitioner shall not be entitled to claim equities.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]