



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 WRIT PETITION NO. 15275 OF 2023

Balaji s/o Bapurao Ijjapwar,
Age 28 years, Occ. Student,
R/o. At post Hingni, Tq. Biloli,
Dist. Nanded.

... Petitioners

VERSUS

- 1) The State of Maharashtra,
through its Secretary
Rural Development Department,
Mantralaya, Mumbai-32.
- 2) Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat
Headquarter Chhatrapati Sambhajanagar,
Near CIDCO bus stand, Chhatrapati Sambhajanagar,
Dist. Chhatrapati Sambhajanagar.

... Respondents

Advocate for the Petitioner : Mr. Thorat Chandrakant R.
A.G.P. for the Respondents/State : Mr. V.M. Jaware

CORAM : MANGESH S. PATIL &
NEERAJ P DHOTE, JJ.
DATE : 13.12.2023

PER COURT :

Heard both the sides.

2. Rule. Rule is made returnable forthwith. Learned A.G.P. waives service for both the respondents. At the joint request of the parties, the matter is heard finally, at the stage of admission.

3. The petitioner is challenging the order of the respondent no. 2- scrutiny committee confiscating and cancelling his '*Mannervarlu*' scheduled tribe certificate.

4. The learned advocate for the petitioner submits that even the impugned order contains list of the individuals who are blood relatives of

the petitioner possessing certificates of validity issued from time to time by various committees. In fact some of the family members were held entitled to have certificates of validity pursuant to the orders of this Court namely Vidya Vijay Patil, Pallavi Naresh Ijjapwar, Swapnil Sahebrao Ijjapwar, Sonal Sahebrao Ijjapwar.

5. He would submit that since this Court has granted certificates of validity to these blood relatives making their validities subject to the final outcome of the decision to be taken by the committee in respect of the matters which it has decided to reopen, till the time that is not taken to the logical end, the petitioner cannot be deprived of having a similar benefit. He would submit that the same set of evidence and the validities were subjected to the scrutiny by the committee and even by this Court and there is no need to undertake any fresh scrutiny. The petitioner is ready to run the risk of facing the consequences contemplated in **Shweta Balaji Isankar Vs. State of Maharashtra and others (Writ Petition No. 6320 of 2017)**. He may be issued certificate of validity.

6. He would submit that in fact the impugned order is a common order passed in respect of the petitioner and three other blood relatives. However, since as per the roster, the matters, pertaining to the caste scrutiny of the persons in the employment are assigned to the Court No. 1, their matters would go to that Court. This is the only petition before this Court.

7. The learned A.G.P. would support the order. He would submit that the committee has subjected the evidence collected during the vigilance to objective scrutiny and has reached a plausible decision which cannot be interfered with, in exercise of the powers under Article 226 of the Constitution. However, he admits that number of family members have been issued with certificates of validity and even this Court has granted conditional validities as mentioned by the learned advocate for the petitioner. He, however, informs us in presence of the law officer of the

scrutiny committee that till date show cause notice has not been issued to the validity holders.

8. Having considered the aforementioned aspects and having perused the papers, suffice for the purpose to observe that as has been pointed out by the learned advocate for the petitioner, there are several validity holders in the family. Pertinently, even this Court had held some of them to be entitled to derive the benefit of the validities in the family albeit their validity has been made subject to the final outcome of the decision to be taken by the committee in the matters which it had decided to reopen.

9. Interestingly, Vidya was issued with a certificate of validity pursuant to the order of this Court passed at the Principal Seat in Writ Petition No. 8034/2018 by the order dated 30.07.2018. In spite of lapse of more than five years, the committee has not taken any effective steps and not even issued notice to show cause to the validity holders. If such is the scenario, the petitioner is entitled to have a certificate of validity particularly when he is ready to run the risk of facing the consequences as contemplated in the matter of **Shweta Balaji Isankar (supra)**.

10. The Writ Petition is partly allowed. The impugned order is quashed and set aside to the extent of the petitioner. The respondent-committee shall 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 equities.

12. Rule is made absolute accordingly.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-