



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9040 OF 2024

Shweta Madhavrao Singarwad

... PETITIONER

VERSUS

1. State of Maharashtra,
through its Secretary,
Tribal Development Department
Mantralaya, Mumbai - 400032
2. Scheduled Tribe Certificate Scrutiny
Committee Aurangabad
through its Member Secretary
having its office at near
St. Lawrence School, Town
Centre, CIDCO, Aurangabad
Dist. Aurangabad
3. Directorate of Medical Education
and Research, Maharashtra
State, having its office at
St. George's Hospital Compound,
P .D'Mello Roadways Fort, Mumbai -1
4. Government Dental College and
Hospital, through its Dean
having its office at St. George's
Hospital Compound P. Dimello
Road, Fort, Mumbai – 400 0001
5. Maharashtra University of
Health Sciences, having its
Regional office C/o St George's
Hospital Compound, P. D'Mellow
Road, Fort, Mumbai – 400-001

... RESPONDENTS

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Advocate for petitioner : Mr. Sagar S. Phatale

A.G.P for respondents/State : Mr. R.S. Wani

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CORAM

: MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE

: 06.09.2024

ORDER (MANGESH S. PATIL, J.) :

The petitioner is challenging the order of the respondent No.2 – Scrutiny Committee, whereby, it has confiscated and cancelled her ‘Mannervarlu’ scheduled tribe certificate.

2. We have heard both the sides finally at the stage of admission.

3. Admittedly, there are as many as seven individuals in the petitioner’s family possessing certificates of validity, issued from time to time by different committees. The Committee has observed that these validity holders had obtained certificates of validity by concealing contrary record of three individuals Madhav Rama Singarwad, Shankar Rama Singarwad and Dattatray Rama Singarwad, who are petitioner’s father and uncles respectively, wherein, in their respective school record they were described a ‘Manurwad’ and ‘Munurwad’. If such is the allegation, Committee will have to undertake a scrutiny, by following due process of law for recalling their validities. Till the time it is unable to do so, the petitioner cannot be deprived of having the validity.

4. The learned advocate for the petitioner submits that the petitioner is ready to run the risk of facing the consequences as per the observations in **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;WP No.6320/2017**. When the petitioner’s two siblings have been issued with certificates of validity she cannot be singled out.

5. A copy of the vigilance inquiry report in the matter of

Parmeshwar Rama Singarwad demonstrates that he was issued with certificate of validity by resorting to vigilance inquiry and the observation of the Committee in the impugned order that he was granted it without vigilance inquiry is perverse and arbitrary.

6. Pertinently, the petitioner's real brother Arjun has been granted certificate of validity pursuant to the order of this Court in Writ Petition No.9030/2019 by order dated 22.08.2011 (Principal Seat).

7. 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. The validity shall be co-terminus with the validities of earlier validity holders.

8. The petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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