

(Correction has been carried out in view of the speaking to minutes order dated 29.07.2024)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Writ Petition No. 2167 OF 2022

1. Tushar s/o Vankatrao Govindwar,
Age 25 years, Occu. Student,
R/o: Savarmal, Tq. Mukhed,
Dist. Nanded.
2. Mahesh s/o Vankatrao Govindwar,
Age 23 years, Occu. Student,
R/o: Savarmal, Tq. Mukhed,
Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate Verification Committee,
Kinwat, Head Quarter Aurangabad
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad.
Dist. Aurangabad.

...Respondents

— — —
Mr. Chandrakant R. Thorat, Advocate for the Petitioners.
Mr. D.R. Korde, AGP for Respondents/State.

— — —
**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 20 JULY 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

- . Heard both the sides finally.

2. The petitioners are siblings and they are challenging judgment and order dated 15.12.2021 passed by the Scrutiny Committee, confiscating and invalidating their tribe certificates for scheduled tribe, Mannervarlu. They seek to rely upon validity certificates issued to their father Venkatrao as well as uncle Narsingh Govindrao Govindwad.

3. Learned AGP supports impugned judgment and order. He would submit that validity certificate of father and uncle are unreliable and obtained by suppressing material facts. He would submit that there are contrary entries and manipulation of the record. It is further submitted that invalidation of Saylu Govindrao Govindwar has been suppressed. According to the learned AGP, there is no reason to interfere with impugned judgment and order.

4. We have considered the rival submissions of the parties. Our attention is invited to the genealogy which shows relationship of the petitioners with Narsingh, a validity holder. We have gone through the vigilance report submitted in the matter of their father. The contrary entry in the school record of Tulsiram Govindwar was considered. By a reasoned order, petitioners' father was issued with validity certificate. In that matter, validity certificate of Narsingh Govindrao Govindwad was relied upon. The validity certificate of the petitioners' father would enure to their benefit.

5. The selfsame record has already been scrutinized by the

Committee, though there is invalidity of tribe certificate of Saylu Govindrao Govindwar. That would not operate as a *res judicata*. Unless the validity certificate of father of the petitioners is revoked, the petitioners cannot be deprived of same social status. The Committee has conveniently overlooked validity issued to Narsingh Govindrao Govindwad. We find that the Committee is selective.

6. The impugned judgment and order is unsustainable. The petitioners are ready to abide by conditions as laid down in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, Writ Petition No.5611/2018. We propose to pass following order :

ORDER

- (i) Writ petition is partly allowed.
- (ii) The impugned judgment and order dated 15.12.2021 passed by the respondent No.2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No.2/Scrutiny Committee shall issue certificates of validity to the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe) forthwith in the prescribed format without adding anything.
- (iv) The certificates of validity shall be subject to the outcome of the matters which the committee has decided to re-open.
- (v). The petitioners shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE