



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4403 OF 2021

Ram S/o Vishnu Suryawanshi
Age : 20 years, Occu. : Education,
R/o Santoshi Mata Nagar, N-2,
CIDCO, Mukundwadi,
Aurangabad

.. Petitioner

Versus

1] The State of Maharashtra,
Through Secretary,
Department of Tribal Development,
Mantralaya, Mumbai - 32.

2] Scheduled Tribes Certificate
Scrutiny Committee,
Through its Member Secretary,
Aurangabad Division, Aurangabad,
Dist. Aurangabad

3] Dr. Y.S. Khedkar College of Pharmacy,
Dr. Y.S. Khedkar Marg, CIDCO, N-6,
Aurangabad Through its Principal
(**R.No. 3 added** as per Leave granted by
this Court on 11-3-2021 and 20-09-2021

.. Respondents

...
Mr. Deepak D. Choudhari, Advocate for the petitioner
Mr. S.P. Joshi, AGP for respondent - State
...

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

DATE : 12 AUGUST 2024

ORDER (MANGESH S. PATIL, J.) :

Heard both the sides finally at the stage of admission.

2. The petitioner is challenging the order of the scrutiny committee refusing to validate his 'Thakur' scheduled tribe certificate.

3. We have considered the rival submissions and perused the papers.

4. Admittedly, independent of the merits, the petitioner has been relying upon the validity of her cousin paternal uncle Ramvilas Shankarrao Suryawanshi and validity of one Rajeshwar Bhikaji Suryawanshi. The committee has not entertained any doubt about petitioner being related to these validity holders by blood from paternal side. On the contrary, the committee has observed that since Ramvilas was granted a certificate of validity by the order of the High Court in writ petition no. 1875 of 2003 dated 05-08-2023, it has decided to file review application in this Court since the committee perceives that he had obtained certificate of validity by suppressing contrary record.

5. When admittedly, Ramvilas was held entitled to have certificate of validity by order of this Court, since the committee is not entertaining any doubt about the relationship of the petitioner with Ramvilas, he is entitled to derive the benefit of the validity.

6. The learned advocate for the petitioner submits that the petitioner is ready to run the risk of facing the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra***

and others (writ petition no. 6320 of 2017) and he may be issued certificate of validity subject to the final outcome of the review application to be preferred in the matter of Ramvilas.

7. In the light of above, we allow the writ petition partly.

8. The impugned order is quashed and set aside.

9. The committee shall immediately issue certificate of validity to the petitioner of 'Thakur' scheduled tribe. Its validity would depend upon the final outcome of the review application, if any, to be preferred in the matter of Ramvilas Shankarrao Suryawanshi.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/