



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

WRIT PETITION NO. 4608 OF 2020

Ashwini D/o Shankar Alewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 4465 OF 2020**

Sachin S/o Shankarrao Alewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner in both matters.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 3 in both matters.

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

DATE : 04 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage. Both the petitioners are siblings of Shankar Ramrao Alewad. They are challenging common judgment and order dated 04.12.2018 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating their tribe certificates as belonging to 'Mannervarlu' (Scheduled Tribe).

2. Learned counsel for the petitioners would rely upon tribe validity certificate issued to their father Shankar Alewad and other paternal side relatives namely Balaji, Kundlik, Sudhakar and Madhavrao. He would place on record **order dated 19.07.2019** passed by the Division Bench in **Writ Petition No. 8804 of 2019** in the matter of **Madhavrao Ganesh Alewad Vs. The State of Maharashtra and others**. It is further submitted that as the relationship between the petitioners and the validity holders has not been disputed, the scrutiny committee ought to have allowed tribe claims of the petitioners.

3. Learned counsel for the petitioners submits that their father Shankar Alewad was granted validity certificate after considering the vigilance report and, therefore, it would enure to their benefit.

4. Learned Additional Government Pleader supports impugned order. Original papers of the petitioners as well as their father are placed on record. It is submitted that there are contrary entries of the birth record of the relatives of the petitioner and manipulation also. Those contrary entries were not properly appreciated while granting validity certificate to the father of the petitioners. It is further submitted that Committee has decided to reopen validity certificates of the father of petitioners and other relatives.

5. We have considered submissions of rival parties and also gone through the original papers produced by the respondents.

There is no dispute that petitioners father Shankar and paternal side relatives namely Balaji, Kundlik, Sudhakar and Madhavrao have been granted validity certificates. We have also gone through the order passed by this Court in the matter of **Madhavrao Ganesh Alewad Vs. The State of Maharashtra and others** (supra). There is no reason to discard validity granted of Madhavrao.

6. The genealogy which is relied on by the petitioners does not reflect name of Madhavrao. It is contended that he is son of Ganesh Kalba Alewad. We find that an entry of Madhavrao Ganesh Alewad was referred to in the vigilance enquiry and the objection regarding his relationship with the petitioners has not been recorded. Original papers of the petitioners and their father refer to the genealogies which indicate name of Madhavrao. We have no hesitation to record that Madhavrao is paternal side relative of the petitioners.

7. It is further noticed from the original papers of father of the petitioners that vigilance enquiry was conducted and its report was considered by the Scrutiny Committee before granting him validity certificate. In the wake of the same as well as validity certificate of Madhavrao Alewad, who was granted validity certificate on certain conditions, the petitioners are entitled to receive validity certificates. Impugned order is unsustainable. We, therefore, pass following order.

O R D E R

(I) Impugned common judgment and order dated 04.12.2018 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside in both the matters.

(II) The respondent No. 2/Scrutiny Committee shall issue validity certificate of 'Mannervarlu' (Scheduled Tribe) to the petitioners immediately.

(III) Validity certificates shall be subject to outcome of the decision or reverification intended to be undertaken by the Scrutiny Committee.

(IV) Petitioners shall not claim any equity.

(V) Writ petitions are disposed of.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24