



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 6018 / 2024

1. Sanjana d/o Jagnath Sukre
Age 18 years, Occu. Education,
R/o: Telangwadi, Tq. Kandhar,
Dist. Nanded.
2. Swapnil s/o Navnath Sukre,
Age 23 years, Occu. Education,
R/o: Telangwadi, Tq. Kandhar,
Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Verification Scrutiny, Kinwat
Head Quarter at Chh. Sambhajinagar,
Through its Dy. Director (R),
Dist. Chh. Sambhajinagar.

...Respondents

— — —
Mr. Sunil Mahadevappa Vibhute, Advocate for the Petitioners.

Mr. K.N. Lokhande, AGP for Respondents/State.

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

DATE : 08 JULY 2024

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

. Heard both the sides finally at the admission stage considering
urgency in the matter.

2. Petitioners are paternal side relatives *inter se* and challenging common judgment and order dated 30.05.2024 passed by the respondent no.2/Scrutiny Committee, confiscating and invalidating tribe certificate of the petitioner for scheduled tribe 'Mannervarlu'.

3. Learned Counsel for the petitioners would rely upon validity certificates issued to Sainath, Dilip, Nagraj and Sumedha by the intervention of the High Court. Learned Counsel would submit that father of the petitioner no.1, Jagannath was also issued with validity certificate by the Committee after conducting vigilance inquiry. He was issued with validity certificate considering earlier validity certificate of Sandip Khandoji Sukre. A further reliance is placed on the vigilance report of Lobhaji and to whom the Scrutiny Committee issued validity certificate.

4. Learned A.G.P. Mr. K.N. Lokhande supports impugned judgment and order. He would submit that the genealogy is not reliable. The relationship of the petitioners with the earlier validity holders like Lobhaji, Sumedha, Sandip is disputed. He would submit that on earlier occasion, validity certificates were issued by suppressing material facts and no benefit can be given to the petitioners. It is further informed that Committee has decided to reopen validity of Jagannath and uncle of the petitioners.

5. We have gone through documents and considered the rival submission of the parties. Petitioners are relying on the genealogy which is at page no.31. The relationship of the petitioners with the validity holders has not been disputed. The Scrutiny Committee has also not

expressed any doubt about it. Jagannath, a validity holder, is the father of petitioner no.1 who was issued validity in pursuance of the order of the Scrutiny Committee based on vigilance report. Lobhaji was also issued with validity certificate after considering vigilance report. Besides that Sainath, Dilip, Nagraj and Sumedha were also issued with validity certificates by the intervention of the High Court. The judgments of the High Court are placed on record. We are of the considered view that there is voluminous material on record to support the tribe claim of the petitioners.

6. Unless the validity certificates of earlier holders are recalled, the petitioners cannot be denied benefit of the social status. We are constrained to quash the impugned judgment and order. Hence we pass following order :

ORDER

- I. The Writ Petition is allowed partly.
- II. The common impugned judgment and order to the extent of petitioners is quashed and set aside.
- III. The respondent no.2/Scrutiny Committee shall issue tribe validity certificates of 'Mannervarlu' to the petitioners immediately.
- IV. The validity certificates shall be subject to outcome of the re-verification intended by the Scrutiny Committee in the matters of earlier validity holders.

V. The petitioners shall not claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

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