



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

990 WRIT PETITION NO. 6296 OF 2024

SAMIKSHA GANESH MITTEWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

...

Advocate for the Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents : Mr. P.P. Dawalkar

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

DATE : 28.06.2024

PER COURT :

Heard both the sides finally.

2. The petitioner is before us being aggrieved and dissatisfied by the order passed by the respondent no. 2-scrutiny committee in a proceeding under Section 7 of the Maharashtra Act XXIII of 2001, whereby her tribe certificate of 'Mannervarlu' has been confiscated and cancelled.

3. As can be noticed from the impugned order several validities were being relied upon by the petitioner of immediate blood relatives. However, those were overlooked by the committee by assigning a reason that the original documents were not produced and there was nothing to demonstrate blood relationship between the petitioner and these validity holders. Incidentally, the petitioner's father himself was possessing a certificate of validity. Unfortunately, he is no more.

4. It is not that the genealogy being furnished by the petitioner has been discarded outrightly. Even the stand of the committee now to reopen the cases of validity holders by alleging about they having practised fraud while

obtaining the certificates of validity and incidentally suffering the orders of this Court in the matter of some of the validity holders who were directed to be issued with certificates of validity subject to the final outcome of the matters which the committee has decided to reopen, is demonstrative of the self contradictory stands of the committee. In one breath it is not relying upon the genealogy for whatever reasons, and is simultaneously indicating that it would be reopening the matters of validity holders.

5. Be that as it may, apparently petitioner's first degree cousin Akanksha Rameshrao Mittewad was directed to be issued with a certificate of validity by the order dated 20.01.2021 in Writ Petition No. 1132/2021. Even her second degree cousin Priti Nivrutti, Pranit and Manish were similarly directed by this Court to be issued with certificates of validity.

6. Apparently, this Court had directed the certificates of validity to be issued making their validity subject to the final outcome of the matters which the committee had decided to reopen.

7. The learned A.G.P., on instructions, submits that already notices have been issued to several validity holders but they have not been cooperating.

8. Indeed, if at all the blood relatives like the petitioner and may be some others who would seek a similar validity are seeking to derive the benefit of these validities and when this Court had issued the certificates of validity subject to the rider that their validity would be dependent upon the final outcome of the matters to be reopened by the committee, it is imperative that these validity holders cooperate with the committee in early decision in their respective matters. On the one hand they would not cooperate the committee and simultaneously, the blood relatives would continue to derive the benefit of these validities generations after generations. This cannot be allowed to go on. Though the petitioner in the circumstances is entitled to derive the benefit of the validities pursuant to at least two orders of this Court issued in favour of her blood relatives, we

expect these blood relatives to cooperate the committee, else in an appropriate matter we may have to refuse to consider the earlier validities issued in terms of the orders of the Court to meet the contingency. As it is in the light of several validities in the family, the impugned order is liable to be quashed and set aside.

9. The Writ Petition is allowed partly. The impugned order is quashed and set aside. Respondent no. 2-scrutiny committee shall issue the certificate of validity to the petitioner. However, such validity would be subject to the final out come of the matters, which the committee has reopened and subject to the validity holders cooperating the scrutiny committee in early disposal of their matters.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-