



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 6596 / 2024

1. Harsh s/o Shivaji Warkad,
Age 19 years, Occu. Education,
R/o: At Post. Barad, Tq. Mudkhed,
Dist. Nanded.
2. Hardik s/o Shivaji Warkad,
Age 23 years, Occu. Education,
R/o: At Post. Barad, Tq. Mudkhed,
Dist. Nanded.
3. Sayali d/o Santosh Warkad,
Age 17 years, Occu. Education,
Minor through the guardian i.e. father.
R/o: At Post. Barad, Tq. Mudkhed,
Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate Verification Committee,
Kinwat, Head Quarter Chhatrapati Sambhajinagar,
Near CIDCO Bus Stand, Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar.

...Respondents

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Mr. C.R. Thorat, Advocate for the Petitioners.

Mr. K.S. Patil, AGP for Respondents/State.

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 16 JULY 2024**

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

. Heard both the sides finally, considering the urgency expressed by the petitioners as they are students and aspire to pursue further education on the basis of social status.

2. The petitioners are challenging common judgment and order dated 30.05.2024 passed by the respondent no.2/Scrutiny Committee confiscating and invalidating their tribe certificates of Mannervarlu scheduled tribe. Petitioner no.1 and 2 are the siblings of Shivaji who holds validity certificate. Whereas petitioner no.3 is their cousin. Her father Santosh also holds validity certificate. Besides that there are validity certificates of their paternal side aunt – Sunita and uncle – Sambhaji. Learned Counsel submits that validity certificates were issued to the earlier holders by following due procedure of law. Petitioners are entitled to same social status.

3. Learned AGP would support impugned judgment and order. He would submit that by suppressing contrary entries validity certificates were obtained by relatives of the petitioners. The Committee has proposed to issue show cause notice to them for reverification of their validity certificates.

4. We have gone through genealogy and the relationship of the petitioner with the earlier validity holders. The relationship has not been disputed by the respondents. Shivaji is the father of petitioner no.1 and

2 and Santosh is father of petitioner no.3 who are the validity holders. It reveals that there was vigilance inquiry in the matter of Shivaji and by reasoned order he was issued with validity certificate by the Committee. The same is the case with other validity holders. We do not see any reason to discard their validity certificates.

5. Petitioners are ready to run the risk as per the judgment rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, Writ Petition No.5611/2018. Petitioners can be issued with validity certificates on certain conditions.

6. When selfsame record has already been considered by the Scrutiny Committee, it would be inappropriate to deny validity certificates to the petitioners. The impugned judgment and order is wholly unsustainable. We, therefore, pass following order :

ORDER

- I. The impugned judgment and order is quashed and set aside.
- II. The respondent no.2/Scrutiny Committee shall issue tribe validity certificates of 'Mannervarlu' scheduled tribe to the petitioners forthwith.
- III. The validity certificates shall be subject to outcome of the proposed re-verification to be undertaken by the Scrutiny Committee.
- IV. The petitioners shall not claim equities.
- V. The Writ Petition is allowed in above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE