



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

Writ Petition No. 6691 / 2024

Ashwita d/o Iranna Kantewad
Age 18 years, Occu. Education,
R/o: Ambulga Bk, Tq. Mukhed,
Dist. Nanded.
At Present : House No.4, Matoshri Lawns,
Yashwant Nagar, Jalna, Tq. and Dist. Jalna.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Certificate
Verification Committee,
Kinwat, Head Quarter at Chhatrapati Sambhajinagar,
Through its Dy. Director (R)
Dist. Chhatrapati Sambhajinagar.

...Respondents

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Mr. Sunil M. Vibhute, Advocate for the Petitioner.

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.

2. Being aggrieved by judgment of the Scrutiny Committee,
confiscating and invalidating tribe certificate of the petitioner for

Mannervarlu scheduled tribe, present petition is filed.

3. Petitioner seeks to rely on validity certificates issued to her father, Iranna. Petitioner relies on the selfsame record. It is submitted that unless her father's validity certificate is recalled, she cannot be deprived of same social status.

4. Learned AGP supports impugned judgment and order. Original papers of the petitioner's father, Iranna are placed on record. It is informed that petitioner's father is issued with show cause notice and his claim is under re-verification, , due to suppression of contrary entries and manipulated record.

5. Undisputedly petitioner's father Iranna was issued with validity certificate after conducting vigilance inquiry. It reveals from the original record that there was a vigilance report and a reasoned order was passed by the Scrutiny Committee on the basis of report. We find that due procedure of law was followed in issuing validity certificate to her father. In view of law laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, 2023 SCC Online SC 326, the petitioner is entitled to get benefit of her father's validity certificate. When selfsame record has already been considered, there is no reason to deny social status claimed by the petitioner.

6. In view of the judgment in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, Writ Petition No.5611/2018,

petitioner can be issued with validity certificate on certain conditions.

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 certificate of 'Mannervarlu' scheduled tribe to the petitioner forthwith.
- III. The validity certificate shall be subject to outcome of the proposed re-verification by the Scrutiny Committee.
- IV. The petitioner shall not claim equities.
- V. The Writ Petition is allowed in above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

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