



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.7362 OF 2024

1. Prathamesh s/o Sanjay Annewar
  2. Pratiksha d/o Sanjay Annewar  
through natural guardian i.e. father  
Sanjay s/o Narayan Annewar
- ... PETITIONERS

VERSUS

1. The State of Maharashtra  
Tribal Development Department  
through its Secretary,  
Mantralaya, Mumbai – 400 001
  2. Scheduled Tribe Certificate  
Scrutiny Committee, Kinwat,  
having its Head Quarter,  
at Chhatrapati Sambhaji Nagar,  
through its Member Secretary
- ... RESPONDENTS

...

Advocate for petitioners : Mr. Sagar S. Phatale  
AGP for Respondent/State : Mrs. S.S. Joshi

...

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

DATE : 07.08.2024

ORDER ( PER : MANGESH S. PATIL, J.) :

The petitioners who are siblings are challenging the common order of respondent - Scrutiny Committee directing confiscation and cancellation of their 'Mannervarlu' scheduled tribe certificates.

2. In the light of urgency being demonstrated by the petitioner No.1 intending to seek admission, having appeared at MHT-CET (PCB

Group) 2024, the matter is heard finally at the stage of admission.

3. The learned advocate for the petitioners adverts our attention to the genealogy and would submit that petitioners' father Sanjay Narayanrao Annewar, paternal uncles Sandeepkumar Narayanrao Annewar and Sachin Narayan Annewar, paternal aunt Smita Narayanrao Annewar and even grandfather Narayan Syanna Annewar possess certificates of validity. The petitioners are ready to face the consequences contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.;WP No.6320/2017**, even if the Committee has now decided to reopen the validities on the ground that the validity holders, had resorted to fraud, till the decision is taken to the logical end and results in confiscation and cancellation of the certificates of validity, the petitioners cannot be deprived of deriving the benefit.

4. Per contra, the learned AGP submits that even the petitioners are not entitled to have conditional validities for the reasons recorded in the impugned order.

5. As can be seen from the impugned order Sachin who is the paternal uncle of the petitioners is the first validity holder to whom it was issued on 23.05.2003. The Committee is taking exception to this certificate of validity on the ground that it was obtained by concealing contrary school record of his father Narayan of 27.06.1960, wherein, he was described as 'Munurwad' while admitting in a school. She would also submit that Sachin was granted benefit of validity of the individuals who

were not related to him by blood from the paternal side. The Urdu document he had relied upon of his grandfather, Syanna Linganna Annear, was a copy of the original and the committee could not have relied upon it. She also points out that no vigilance inquiry was conducted. The order was passed in the form of draft printed order by filling in the blanks in hand and without assigning any reason. She would, therefore, submit that the petitioners cannot be granted benefit of having even a conditional validity.

6. The learned AGP, however, fairly concedes after going through the original file of scrutiny committee of Sachin Narayan Annear that the observation of the scrutiny committee in the impugned judgment and order that vigilance inquiry was not conducted in his case is factually incorrect.

7. We have considered the rival submissions and perused the papers including the original file of the scrutiny committee in the matter of Sachin. As has been conceded by the learned AGP, indeed, the original file contains a vigilance report in detail. Observation of the committee in the impugned judgment and order in this regard is clearly perverse.

8. Again, though the order passed in his matter is in the form of a format, it is not that the order could be said to have been issued without application of mind, inasmuch as, the documents being relied upon by Sachin referred to in the vigilance report have been expressly referred to and reproduced in this order. If such is the state of affairs, the

observation of the committee that Sachin was issued certificate of validity without following due process of law is not sustainable.

9. As far as the allegations regarding fraud and the intention of the committee to resort to reinquiry into the validities possessed by the family members, it would be appropriate that the matter is left open for being considered by the scrutiny committee. No comment can be made on the observation of the committee in that respect in the present proceeding.

10. In the light of above, the impugned order is not sustainable, and the petitioners deserve to be issued with certificates of validity, subject to usual conditions.

11. The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue certificates of validity to both the petitioners of 'Mannervarlu' scheduled tribe. Its validity would be subject to the final outcome of the matters of the validity holders to be reopened by the committee.

12. The petitioners shall not be entitled to claim equities.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**