



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

WRIT PETITION NO. 7364 OF 2024

Sanika Shankar Myaklod
Through Guardian Sayanna Myaklod .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 23 JULY, 2024.**

FINAL ORDER :

. The petitioner is challenging the order of invalidation.

2. Considering the exigency, the matter is taken up for final hearing at the stage of admission.

3. Learned advocate for the petitioner would submit that the petitioner's father was issued with the certificate of validity way back in the year 2007 by following due process of law. Vigilance enquiry was conducted and for elaborate reasons given in the order, he was granted certificate of validity. The petitioner is ready to run the risk of facing consequences as mentioned in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** judgment dated 27 July 2018 in

W. P. No. 5611 of 2018 and she may be granted certificate of validity subject to outcome of the re-enquiry to be undertaken by the Committee regarding father's validity.

4. Learned advocate would further submit that isolated contrary entries have been relied upon by the Committee for discarding the claim when the rest of the record is consistently demonstrating the petitioner and her relatives to be 'Mannervarlu'. He would submit that such isolated entries cannot be resorted to, to discard the genuineness of the documents.

5. Learned Assistant Government Pleader opposes the petition. He submits that the Committee has given plausible reasons. He has precisely pointed out the contrary older record of petitioner's paternal aunt and cousin grandfather wherein they have been stated to be Munnurwad and the favourable entries of the subsequent period would not through out the evidentiary value of the older entries.

6. Learned A. G. P. also submits by referring to the original file of the petitioner's father that no threadbare scrutiny of the record was undertaken and he was granted certificate of validity merely for asking without due verification of the claim.

7. We have considered rival submissions and perused the papers including original file of petitioner's father.

8. As can be noticed, irrespective of the stand being taken by the Committee in the impugned order and the submissions of the learned A. G. P. toeing by the same line, a bare perusal of the file of petitioner's father would demonstrate that he was held entitled to have a certificate of validity by following due procedure as contemplated in the Maharashtra Act No. XXIII of 2001 and the Rules framed thereunder. A vigilance enquiry was conducted. The record was expressly referred to. Report of the research officer was also accepted and then, for the reasons recorded in the order, he was held to be entitled to have a certificate of validity. Even if it is now being pointed out that petitioner's father was relying upon validities of some individuals who were not related to him by blood, it cannot be said that due process of law was not followed. Sustainability of the reasoning assigned by the then Committee is not a parameter laid down in paragraph No. 22 in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others**; **2023 SCC Online SC 326**. The then Committee has resorted to a reasoning which may not be digestible to the present Committee, but the latter cannot be allowed to take exception to the conclusions drawn by its predecessor.

9. As it is, for the reasons mentioned in the order under challenge the Committee has decided to undertake a fresh scrutiny of validity issued to the petitioner's father. We cannot deal with such inference drawn by the Committee for the simple

reason that petitioner's father is not before us and we do not intend to make observations which may have some bearing on the enquiry if any conducted by the Committee in his matter, which is still to be opened.

10. The fact remains that till the time petitioner's father possesses certificate of validity which is not revoked or cancelled, she cannot be deprived of the benefit.

11. The writ petition is allowed partly. The impugned order dated 11.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside. The respondent/Scrutiny Committee shall immediately issue certificate of validity to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) in the prescribed format without adding anything. Said validity would be subject to the final outcome of the matters which the Committee has decided to reopen. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24