



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 7445 OF 2024

1. Vivek Vitthal Shamante,
Age 23 years, Occu. Student,
R/o: Kotgyal, Tq. Biloli,
Dist. Nanded.

2. Shriniket Vitthal Shamante,
Age 25 years, Occu. Student,
R/o: Kotgyal, Tq. Biloli,
Dist. Nanded.

...Petitioners

Versus

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

2. The Scheduled Tribe Certificate Scrutiny Committee,
Kinvat, Head Quarter at Aurangabad
Trough its Deputy Director (R).

3. The Dean/Principal,
Seth G.S. Medical College,
Acharya Donde Marg, Parel, Mumbai.

4. The Registrar,
The Maharashtra University of Health Sciences,
Dindori Road, Mhasrul, Nashik,
Tq. & Dist. Nashik.

...Respondents

— — —
Mr. Jadhavar Pratap V., Advocate for the Petitioners.
Mr. K.S. Patil, AGP for Respondents/State.
Mr. S.B. Pulkundwar, Advocate for the Respondent No.4.

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

DATE : 19 JULY 2024

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

. Heard both the sides finally.

2. The petitioners are challenging common judgment and order dated 11.07.2024 passed by the Scrutiny Committee, confiscating and invalidating their tribe certificates of scheduled tribe, Mannervarlu.

3. Petitioners seek to rely upon validity certificate of their cousin, Shivaji Gangadhar Shamante. Their learned advocate submits that Shivaji was issued with validity certificate after following due procedure of law. The selfsame record has been considered by the Committee in rejecting the caste claim of the petitioners.

4. Learned AGP supports impugned judgment and order. He places on record original papers of Shivaji to show discrepancy in the statement of Gangadhar. It is submitted that validity certificate of Shivaji is unreliable and the Committee has proposed to conduct re-verification. He would further submit that the Scrutiny Committee rightly rejected the tribe claim, considering contrary entries and the manipulation of the school record of Bhimrao and Rameshwar.

5. We have considered the submissions of the parties. With the assistance of learned AGP, we have gone through the original papers

of validity holders, Shivaji Gangadhar Shamante. It reveals that vigilance inquiry was conducted in his matter and report was submitted. Thereafter by a reasoned order, the Scrutiny Committee issued him validity certificate. His validity certificate would corroborate petitioners' claims. The Committee should not have discarded it.

6. It is informed that the validity certificate of Shivaji is proposed to be re-verified by the Committee. There is invalidation of Rajendra and Anand. Unless the validity certificate given to Shivaji is revoked, petitioners cannot be deprived of its benefit. The statement of Gangadhar recorded in the matter of Shivaji or any doubt expressed in respect of the entries in Shivaji's matter, cannot be independently considered by this Court in this proceeding wherein he is not a party.

7. The petitioners are ready to abide by law laid down in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, Writ Petition No.5611/2018. They are entitled to validity certificates on certain conditions. We are of the considered view that the impugned judgment is unsustainable. We, therefore, pass following order :

ORDER

I. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificates to the petitioners as belonging to

‘Mannervarlu’ scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

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