



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

Writ Petition No. 7686 OF 2024

1. Sameer s/o Shamrao Ingewad,
Age 18 years, Occu. Student,
 2. Nikhil s/o Kishan Ingewad,
Age 25 years, Occu. Student,
 3. Omkar s/o Bhagwanrao Ingewad,
Age 18 years, Occu. Student,
- All R/o : Waghala, CIDCO, New Nanded,
Tq. and Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Chhatrapati Sambhajinagar,
Through its Deputy Director (Research)
and Member Secretary,
Near CIDCO Bus Stand,
Dist. Chhatrapati Sambhajinagar.

...Respondents

WITH

Writ Petition No. 13314 OF 2023

1. Priya d/o Sanjay Ingewad,
Age 20 years, Occu. Student,
2. Pranav s/o Sanjay Ingewad,
Age 18 years, Occu. Student,

3. Mayuri d/o Shyamrao Ingewad,
Age 19 years, Occu. Student,

All R/o : Waghala, CIDCO, New Nanded,
Tq. and Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near CIDCO Bus Stand,
Dist. Aurangabad.

...Respondents

— — —

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

Mrs. Kalpalata Patil Bharaswadkar, AGP for Respondents/State.

— — —

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

DATE : 23 JULY 2024

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

. Heard both the sides finally at the admission stage considering urgency. Though claims are decided by separate judgment and order passed by the Scrutiny Committee, all the petitioners are from same family, staking claim to the tribe

status as Mannervarlu, relying upon selfsame record, we propose to decide both the petitions by this common order.

2. Petitioners' tribe certificates were confiscated and invalidated by the Scrutiny Committee. Learned Counsel for the petitioners would rely upon validity certificates issued to Ashok, Dipika, Arun, Sonal, Ranjana and Sudhakar. It is further submitted that Suraj, Shweta, Prakash, Suhas, Netra and Yogeshwari were issued with validity certificates by orders of this Court. Those orders are referred by the petitioners.

3. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has taken reasonable and plausible view. Though there are number of validity holders in the family, they are not reliable. The caste claim of the petitioners is incompatible considering contrary entries.

4. We have considered the rival submissions of the parties. We have gone through the genealogy which is common in both the petitions. The relationship of the petitioners and the validity holders *inter se*, has not been disputed. It is further undisputed that Suraj, Shweta, Prakash, Suhas and Sneha were issued with validity certificates by common order dated 18.07.2019 by the High Court. Netra was issued with validity certificate by the High Court vide order dated 22.01.2021. Similarly, Yogeshwari was issued with validity certificate by the High Court vide order dated 26.10.2021. The selfsame record has undergone scrutiny at

multiple times for issuing validity certificates, albeit conditionally. We also propose to follow the same course.

5. It transpires from record that there were speaking orders passed by the Scrutiny Committee in the matter of Ashok, Ranjana, Arun, Sonal and Sudhakar. If this is the situation then the petitioners are also entitled to validity certificates conditionally, relying on judgment in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. We, therefore, pass following order :

ORDER

- a. The common judgments and orders dated 12.07.2024 and 13.06.2023 passed by the Scrutiny Committee are quashed and set aside.
- b. The Scrutiny Committee shall issue tribe validity certificates of 'Mannervarlu' Scheduled Tribe to the petitioners forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- c. The petitioners shall not be entitled to claim equities.
- d. Writ Petitions are allowed partly in the above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE