



(1)

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

WRIT PETITION NO.9646 OF 2021

Vijay s/o Ramkishan Kanke,
Age-34 years, Occu-Service,
R/o.At Shirshi Kh., Post Lohgaon,
Tq. and Dist.Parbhani

-- PETITIONER

VERSUS

1. The State of Maharashtra,
Through it's Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32

2. The District Collector,
Beed, Tq. And Dist. Beed

3. The Sub Divisional Officer,
Majalgaon, Tq. Majalgaon,
Dist.Beed

4. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO,
Aurangabad, Dist. Aurangabad

-- RESPONDENTS

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Mr.C.R.Thorat, Advocate for the petitioner.
Ms.S.S.Joshi, AGP for respondent Nos. 1 to 3.

(2)

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 28th November, 2024

ORAL JUDGMENT :(Per Prafulla S. Khubalkar, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. The petitioner is challenging the order dated 11.08.2021 passed by respondent no.4 / Scrutiny Committee thereby invalidating the petitioner's caste claim for "Mannervarlu" Scheduled Tribe.

3. The impugned order is a common order in the matter of the petitioner and Mr.Shrinivas Sureshrao Kanke. This order was subject matter of scrutiny before this Court in WP No.9717/2021, which was a petition filed by Mr.Shrinivas challenging the impugned order. The said writ petition was heard and decided by this Court after considering the documents and the legal position. By order dated 12.12.2023, the writ petition was partly allowed to the extent of Mr.Shrinivas Kanke, directing the respondent/Committee to issue tribe validity certificate to Shrinivas.

(3)

4. In view of the order dated 12.12.2023 in WP No.9717/2021, the instant petition also needs to be partly allowed to the extent of the petitioner in the instant petition. Hence, we pass the following order :-

[a] The writ petition is partly allowed.

[b] The impugned order is quashed and set aside.

[c] Respondent/Committee shall immediately issue tribe validity certificate to the petitioner as belonging to “Mannervarlu” Scheduled Tribe in the prescribed format. The validity shall be subject to the final outcome of the the matters which the Committee has decided to reopen.

[d] The petitioner shall not be entitled to claim equities.

5. Rule is made partly absolute accordingly.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

khs