



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7771 OF 2024

Rahul s/o Ashok Puramwar,
Age 25 years, Occ. Education,
R/o. Eklara, Tq. Mukhed,
Dist. Nanded.

... Petitioner

VERSUS

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

2) The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Headquarter at Chh. Sambhajanagar,
Through its Dy. Director (R),
Chh. Sambhajanagar.

... Respondents

...

Advocate for Petitioner : Mr. S. M. Vibhute
A.G.P. for Respondents/State : Mr. S.P. Joshi

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 13.08.2024

PER COURT :

The petitioner is challenging the order of invalidation.

2. Since the petitioner is anxious to secure admission to a professional course in the current admission process, the matter is taken up for final hearing at once.

3. The learned advocate for the petitioner submits that there are number of validities in the family. The impugned order itself contains the list. Independent of merits, the petitioner be issued certificate of validity on the

basis of these earlier validities and subject to the final outcome of the matters of these validity holders, which the committee has decided to reconsider for the alleged fraud practised by the validity holders. He is ready to run the risk of facing the consequences contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017).

4. The learned A.G.P. would oppose the petition. He would submit that there are strong circumstances as indicated in the impugned judgment and order, for the committee to draw inference about the validity holders having perpetrated fraud while obtaining the validities. As indicated in the order appropriate steps are to be taken for recalling the validities.

5. The learned A.G.P. would submit that since fraud vitiates every solemn act, the petitioner cannot be allowed to derive the benefit of fraud.

6. We have considered the rival submissions and perused the papers. Original file of Anil Iranna Puramwar is made available to us. He was granted certificate of validity by conducting vigilance enquiry and for a reasoned order. Those being the parameters laid down in paragraph No. 22 of the ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioner is entitled to derive the benefit of validity possessed by Anil Iranna Puramwar, the committee having not entertained any doubt about he being related to the petitioner by blood, rather has expressly accepted it.

7. As far as the allegations regarding suppression of contrary record as a circumstance for the committee to infer about the validity holders having practised fraud while obtaining the validities, the validity holders are not before us. It would be inappropriate for the present to record any comments regarding sustainability of the inference drawn by the committee regarding alleged fraud, as it could prejudice the persons who are not before us.

8. If the petitioner is ready to run the risk of facing the consequences as contemplated in *Shweta Balaji Isankar (supra)*, when Anil Puramwar has been granted validity by following due process of law and is admittedly petitioner's blood relative, the petitioner is entitled to have a certificate of validity coterminous with the validity of Anil Iranna Puramwar.
9. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent no. 2-committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlur*' 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 reopen.
10. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-