



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 7705 OF 2024**

Deepak Baburao Bodemwad,
Age: 22 years, Occ: Student,
R/o: Datala, Tq. Kandhar,
Dist. Nanded

..Petitioner

Versus

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

2. The Scheduled Tribe Certificate Scrutiny,
Committee, Kinwat,
Head Quarter, Aurangbad,
Through its Deputy Director (R).

..Respondents

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Mr. Pratap V. Jadhavar, Advocate for the Petitioner.
Ms. S. S. Joshi, AGP for Respondents-State.

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**CORAM : MANGESH S. PATIL AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 09 AUGUST 2024.

P.C:-

1. We have heard both sides finally.
2. Petitioner is challenging the order dated 04.10.2023 of invalidation of his Mannervarlu scheduled tribe certificate.
3. Admittedly there is no dispute about genealogy. One Pandurang Jalba Bodemwad was a common ancestor having two sons Bujanga and Ganpati. The petitioner is great grandson of Bujanga. Apart from the fact that his father Baburao and paternal uncles Raosaheb and Santosh possess certificates of

validity, even in the branch of Ganpati his son Prakash possesses certificate of validity and more importantly this Court has directed certificates of validity to be issued to three children of Prakash, albeit conditionally.

4. Irrespective of the dispute as regards the merits of the claim, the fact remains that for the reasons mentioned in the respective orders, co-ordinate division benches have found blood relatives of the petitioner entitled to have certificates of validity, in turn relying on the earlier validities, which the Committee had castigated to have been obtained by practicing fraud. We cannot undertake any scrutiny of the inference drawn by the Committee as regards the circumstances, which constitutes fraud, for the simple reason that it would be an exercise behind the back of the validity holders. Needles to state that in the reopened matters such scrutiny can happen objectively, by extending opportunity to the validity holders to question inference.

5. When the petitioner is ready to run the risk of facing consequences as contemplated in *Shweta Balaji Isankar Vs. The State of Maharashtra and Others*, in *Writ Petition No.5611/2018*, he deserves to be treated equally. We, therefore, pass following order:

ORDER

- a. The writ petition is partly allowed.
- b. Impugned order dated 04.10.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c. The respondent No. 2/Scrutiny Committee shall immediately issue certificate of validity to the petitioner of

‘Mannervarlu’ (Scheduled Tribe) in prescribed proforma G without incorporating any conditions.

d. Certificate of validity would be subject to the outcome of reverification to be undertaken by the Committee of the validity holders.

e. Petitioner shall not be entitled to claim equities.

(S. G. CHAPALGAONKAR)
JUDGE

(MANGESH S. PATIL)
JUDGE