



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

Writ Petition No. 7781 OF 2024

1. Shreya d/o Ramchandra Musale,
Age 19 years, Occu. Student,
 2. Saurabh s/o Ramchandra Musale,
Age 21 years, Occu. Student,
- Both R/o at Post Therban, Tq. Bhokar,
Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through 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, Chhatrapati
Sambhajinagar, Dist. Chhatrapati
Sambhajinagar.

...Respondents

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

Mr. K.N. Lokhande, AGP for Respondents/State.

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

DATE : 1 AUGUST 2024

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

. Heard both the sides finally at the admission stage, considering exigency in the matter.

2. The petitioners are siblings and they are challenging judgment and order dated 09.07.2024 passed by the Scrutiny Committee, confiscating and invalidating their tribe certificates of Mannervarlu scheduled tribe. They seek to rely on validity certificates of their father-Ramchandra, cousin uncle- Balaji. Those certificates were issued after following due procedure of law considering documentary evidence. Therefore, the petitioners claim parity.

3. Learned AGP supports impugned judgment and order. He would submit that there is suppression of invalidation of the tribe certificate of Anil Vishwanath Musale who is blood relative and therefore it would not be equitable to grant any relief to the petitioners.

4. We have considered the rival submissions of the parties. The father of the petitioners, Ramchandra and their cousin uncle Balaji are the validity holders. Balaji Vitthal Musale was issued with validity certificate on 03.12.2007 which is prior in time. We have considered vigilance report prepared in his matter. It reveals that the school record of his relatives were verified by the Vigilance Cell. Amongst that, there was a record of Vitthal Sambhaji Musale of the year 1958. It further reveals that Balaji

was issued with validity certificate by Speaking Order considering the documentary evidence. We are of the considered view that the certificate of validity of Balaji was issued after following due procedure of law. It was relied by the Committee while issuing validity certificate to the father of the petitioners. Both the validities would enure to the benefit of the petitioners.

5. The tribe certificate of Anil Vishwanath Musale was invalidated by the Committee vide order dated 13.08.2002. It is submitted by the learned Counsel for the petitioners that order of invalidation was ex-parte as Anil failed to prosecute his matter. We have been taking a consistent view that invalidation of a tribe certificate would not operate *res judicata*. When selfsame record has already been scrutinized in the matter of Balaji and Ramchandra who were issued validity certificates in the year 2007 and 2008 respectively, invalidation of caste claim of Anil would not affect petitioners claim.

6. Petitioners are ready to run the risk as per the judgment rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. They can be issued with validity certificates on certain conditions. We, therefore, pass following order :

ORDER

a. The Writ Petition is allowed partly.

- b. The judgment and order dated 09.07.2024 passed by the Scrutiny Committee is quashed and set aside.
- c. 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.
- d. The petitioners shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE