



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

WRIT PETITION NO. 7826 OF 2024

- 1) Shriharsh s/o Sanjay Muddamwar,
Age 17 years, Occ. Education,
through natural guardian i.e.
father Sanjay Gangaram Muddamwar,
Age 48 years, Occ. Service.
 - 2) Hitesh s/o Kailash Muddamwar,
Age 19 years, Occ. Education.
 - 3) Krish s/o Kailash Muddamwar,
Age 18 years, Occ. Education.
All r/o. Tamlur, Tq. Degloor,
Dist. Nanded.
- ... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Tribal Development Department,
Through its Secretary, Mantralaya,
Mumbai.
 - 2) Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, having its
headquarter at Chhatrapati Sambhaji
Nagar, through its Member Secretary.
- ... **Respondents**

...
Advocate for Petitioner : Mr. S. S. Phatale
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 petitioners are taking exception to the judgment and order of respondent no. 2-Scheduled Tribe Certificates Scrutiny Committee constituted under the Maharashtra Act XXIII of 2001, confiscating and

cancelling their '*Mannervarlu*' scheduled tribe certificates.

2. We have heard both the sides finally with consent.

3. The learned advocate for the petitioners would advert our attention to the genealogy and would endeavour to demonstrate that many of the blood relatives of the petitioner possess certificates of validity, some of which have been granted by the orders of this Court. Since the committee has decided to undertake reverification of the validities granted to the blood relatives with observation of they having practised fraud, the petitioners are ready to run the risk of facing the consequences as contemplated in *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017). He would submit that till the time the validity certificates of the blood relatives are not confiscated and cancelled, they cannot be deprived of having a similar benefit.

4. The learned A.G.P. opposes the petition. He submits that the petitioners cannot be allowed to derive the benefit of the fraud perpetrated by their blood relatives. There are number of entries in the school record of the petitioners blood relatives expressly referred to in the impugned judgment, which are inconsistent with the petitioners' claim of belonging to '*Mannervarlu*' scheduled tribe. He would submit that even the invalidities of earlier point of time of couple of blood relatives were concealed and the petition be dismissed.

5. Admittedly, the petitioners' blood relatives Prajwal Anilkumar Muddamwar, Ankita Anilkumar Muddamwar and Aditya Dattatraya Muddamwar were granted validities by the orders of this Court in their respective matters. Apart there from, as indicated in the genealogy filed by petitioner Shriharsh's father Sanjay and which was before the scrutiny committee, apart from these individuals there are almost 10 validites in the family, some of which have also been referred to in the impugned judgment and order. Since Rajendra Gangaram Muddamwar seems to be the first

validity holder in the family, when we enquired with the learned A.G.P., who has been assisted by the law officer of the respondent-scrutiny committee, the original file of Rajendra Gangaram Muddamwar has not been made available to us to ascertain if the parameters laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, can be applied. Even the impugned order does not expressly deal with the circumstances under which Rajendra was granted certificate of validity.

6. Under these circumstances, without expressing anything in respect of the inference drawn by the committee regarding the fraud perpetrated by some of the validity holders, when even this Court has granted validities, may be conditionally, to some of the blood relatives, the petitioners are entitled to have certificates of validity as they are ready to run the risk of facing the consequences as contemplated in ***Shweta Balaji Isankar (supra)***.

7. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent no. 2-committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' 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.

8. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-