



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

987 WRIT PETITION NO. 7978 OF 2024

**SANDESH SUDHAKAR GARUD THROUGH HIS NATURAL
GUARDIAN FATHER SUDHAKAR NILOBA GARUD AND
ANOTHER**

VERSUS

**SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE
THROUGH ITS MEMBER SECRETARY**

...

Advocate for Petitioners : Mr. Phatale Sagar S.

AGP for Respondent : Mr. V.M. Chate

...

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

DATE : 08 AUGUST 2024

PER COURT :

Heard both the sides finally.

2. Though the learned Advocate for the petitioner as also the learned AGP vest into several arguments, apparently, there are more than ten validities in the family. Oldest one was issued to Nivrutti Tukaram Garud by order of this Court in Writ Petition No. 502/1994 dated 01 March 1994. Subsequently, other blood relatives could obtain the validity certificates. Incidentally, even petitioner's real sister Sayali has also been granted validity albeit, conditionally. Though there is no reference in the impugned

judgment and order regarding validity issued to Nivrutti, in the matter of petitioner's first degree cousin Makarand in Writ Petition No. 13118 of 2021 dated 10 November 2021, reference has been made to the validity possessed by Nivrutti and its benefit extended to one Mukund Madhukar Garud who is non other than Makarand's real brother.

3. Pertinently, in the reply filed by the petitioner to the vigilance report, he had expressly mentioned about the validity issued to Nivrutti by giving details. It was imperative for the Committee to have objectively considered such a stand of the petitioner of even referring to the validity of Nivrutti.

4. We are precisely pointing out these facts and circumstances because the impugned order does not seek to take any exception to the validity possessed by Nivrutti. In the matter of Makarand and few other relations, this Court had directed certificates of validity to be issued to respective petitioners related to the present petitioner by blood, making those validities vulnerable on the decision to be taken by the Committee in respect of the matters of the validity holders which it had decided to reopen. Once having seen that Nivrutti's validity still holds the

field, we feel it appropriate that the petitioner gets a clear validity. Any subsequent invalidation, may be on the ground of alleged fraud, would be inconsequential so long as Nivrutti's validity remains valid. To repeat, the Committee is not taking any exception to Nivrutti's validity.

5. The writ petition is allowed. Impugned order is quashed and set aside. The petitioner shall be issued with validity certificate of 'Thakur' scheduled tribe.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]