



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

WRIT PETITION NO. 8027 OF 2024

1. Suraj Ravindra Badawar
Through Father & Natural Guardian
Ravindra Ramlu Badawar
 2. Samiksha d/o Ravindra Badawar
 3. Vaishnavi s/o Ravindra Badawar
- ...Petitioners

VERSUS

1. The State Of Maharashtra
Through Its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
 2. The Scheduled Tribe Certificate
Verification Committee, Kinwat,
Head Quarter at Chh. Sambhajinagar
Through its Dy. Director (R),
Dist. Chh. Sambhajinagar.
- ...Respondents

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Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents/State : Mr. V.M. Chate

...

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

DATE : 14 AUGUST 2024

ORDER [Per Shailesh P. Brahme J.] :

1. Heard both the sides considering urgency in the matter.
2. The petitioners are siblings and they are challenging the judgment and order dated 26.07.2024, confiscating and invalidating their Mannervarlu tribe certificates. They would rely on validity

certificate of their real uncle Avinash.

3. The learned advocate for the petitioners submits that the selfsame record especially old record of Ramlu of 1954 was already scrutinized and held to be genuine. The validity certificate and the old record would corroborate their claim.

4. Learned AGP would support the impugned judgment and order. He places on record original papers of the petitioners' files to demonstrate that there is tampering of record. He would submit that considering incompatible school record of Shankar and Ramesh, the Scrutiny Committee has rightly discarded validity certificate of Avinash. He would submit that the reasonable and plausible view has been taken by the Committee and no interference is called for.

5. We have considered the rival submissions of the parties. We have also gone through the relevant record specially that of Ramlu of 1954. There is no dispute that the validity holder – Avinash is the real uncle of the petitioners. A vigilance inquiry was conducted in his matter. During the course of inquiry, school record of Ramlu of 1954 indicating caste as Mannervarlu, was considered and found to be genuine. Besides, it was recorded that during the course of inquiry Avinash had withstood the affinity test. Thereafter by a reasoned order he was issued with validity certificate. The validity certificate of Avinash has been issued after following due procedure of law and it would corroborate the petitioners' claim.

6. It is informed by learned AGP that show cause notice has already been issued to validity holder – Avinash. Though there is contrary school record of Shankar, as the Committee has proposed re-verification, it would be appropriate for the Committee to take into account the contrary record so as to determine whether there is any fraud or not. Unless and until the validity certificate of Avinash is revoked, the petitioners cannot be deprived of same social status.

7. 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

(i) The writ petition is partly allowed. The impugned order dated 26.07.2024 is quashed and set aside. The respondent/ Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matters which the Committee has decided to re-open.

(ii) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]