



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 8127 OF 2024**

Vikas Vinayak Baste,
Age: 18 years, Occ: Student,
R/o: Telangwadi, Post Usmannagar,
Tq. Kandhar, Dist. Nanded ..Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate,
Scrutiny Committee,
Kinwat Division, Aurangabad,
Through its Member Secretary.
3. Sub-Divisional Officer,
Kandhar. ..Respondents

**AND
WRIT PETITION NO. 8136 OF 2024**

Mamta Santosh Baste,
Age: 17 years, Occ: Student,
under guardianship of
Santosh Deorao Baste,
Age: 45 years, Occ: Service,
R/o: Telangwadi, Post Usmannagar,
Tq. Kandhar, Dist. Nanded ..Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate,
Scrutiny Committee,
Kinwat Division, Aurangabad,
Through its Member Secretary.

3. Sub-Divisional Officer,
Kandhar. ..Respondents

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Mr. Madhur A. Golegaonkar, Advocate for the Petitioners.
Mr. Sarang P. 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. Heard both the sides finally.
2. The petitioners are challenging separate orders passed in their respective claims, whereby respondent no.2-Scrutiny Committee has confiscated and cancelled their 'Mannervarlu', scheduled tribe certificates.
3. Since there is no dispute about the blood relationship between them *inter se*, in order to avoid rigmarole, we dispose of both these petitions by this common order.
4. Learned advocate for the petitioners submits that no independent enquiry was conducted in the petitioners' matters. The evidence collected in the matter of their third degree cousin Sachin, was used by the Vigilance Officer and has been referred to by the Committee. Sachin's invalidation was subject matter of challenge before this Court in Writ Petition No.7648/2021. For the reasons recorded therein, this Court had directed certificate of validity to be issued to him. Incidentally, the Division Bench had referred to validity possessed by Sachin's real sister Shubhangi, who was held entitled to have a certificate of validity by order dated 23.07.2018 in Writ Petition No.7500/2018.

5. This apart, even there are couple of other validities in the family, issued by the orders of this Court in the matter of Neha Govind Baste and Ganesh Govind Baste. Incidentally, the petitioners' father and uncle possess certificates of validity. Neha and Genesh's father Govind is also a validity holder.

6. In the light of such numerous validities in the family, irrespective of the observations of the Committee on merits, when the Committee having decided to reopen the validities, but has not been able to take the matters to their logical end, the petitioners cannot be made to wait at the cost of their career, as the Committee has not been able to conclude enquiry for last atleast five years.

7. In the light of above, petitioners cannot be deprived of having similar benefit as has been derived by several blood relatives pursuant to the orders of this Court. We, therefore, pass the following order:

ORDER

- a. The writ petitions are partly allowed.
- b. Impugned order dated 05.07.2024 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 petitioners of 'Mannervarlu' (Scheduled Tribe) in prescribed proforma G without incorporating any conditions.

- d. Certificates of validity would be subject to the outcome of reverification to be undertaken by the Committee of the validity holders.
- e. Petitioners shall not be entitled to claim equities.

(S. G. CHAPALGAONKAR)
JUDGE

(MANGESH S. PATIL)
JUDGE