



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

Writ Petition No. 8360 OF 2024

1. Sainath s/o Gangadhar Birmod,
Age : 24 years, Occ. Education,

2. Sanket s/o Gangadhar Birmod,
Age : 22 years, Occ. Education,

Both R/o : Kundalwadi, Tq. Biloli,
Dist. Nanded.

...Petitioners

Versus

1. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Having its Head Quarter at
Chhatrapati Sambhaji Nagar.
Through its Member Secretary.

2. Kavayitri Bahinabai Chaudhari
North Maharashtra University,
Jalgaon-425001
Dist. Jalgaon.
Through its Registrar.

3. University Institute of Chemical Technology,
Jalgaon, Dist. Jalgaon.
Through its Director.

...Respondents

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Mr. S.S. Phatale, Advocate for the Petitioners.

Mr. S.R. Yadav Lonikar, AGP for Respondent No.1/State.

Mr. P.N. Kutti, Advocate for Respondent No.2 and 3.

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

DATE : 18 SEPTEMBER 2024

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

. Heard both sides finally considering exigency for the petitioners.

2. The petitioners are the siblings whose tribe certificates were invalidated by the Scrutiny Committee vide judgment and order dated 21.11.2023 which is cause of action for them to approach High Court. They are relying on validity certificates issued to their father-Gangadhar and real uncle-Ramesh. Learned Counsel for the petitioners submits that after following due process of law the validity certificates were issued and the Scrutiny Committee arbitrarily discarded them. He would submit that the reasons assigned for discarding the validity certificate are unsustainable. The petitioners are ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. Hence they are entitled to receive conditional validities.

3. Learned AGP supports the impugned judgment and order. He tenders on record the original papers of first validity holder - uncle of the petitioners, Ramesh. He would submit that the Committee is justified in discarding the validity certificates because those were issued by suppressing material facts and on extraneous material. The Committee has issued show cause notices to petitioners' father and uncle. It is further submitted that no case is made to cause any interference in the impugned judgment and order.

4. We have considered the rival submissions of the parties. We have also gone through original papers of Ramesh, uncle of the petitioners. There is no dispute that petitioners' father - Gangadhar and their uncle - Ramesh were issued with validity certificates. Petitioners' uncle is the first validity holder. In his case, the vigilance inquiry was conducted. By a reasoned order, he was issued with validity certificates. Relying on his validity certificate, petitioners' father was also issued with validity certificate. Apparently both the validity certificates have been issued after following due process of law and should not have been discarded by the Committee.

5. Petitioners' uncle was issued validity certificate banking on the validities of Krushna Guttwar and Nitin Ambulagekar. In the vigilance report, it was clearly mentioned that both these persons were maternal side relatives of the claimants. We, therefore, do not find any suppression of material facts. When the selfsame record has already been scrutinized in case of petitioners' father and uncle for granting them validity, the petitioners also deserve to receive validity certificates.

6. The Committee has issued show cause notices to the validity holders. Unless their validity certificates are recalled, the petitioners cannot be denied the same social benefit. However, the petitioners cannot be made to wait till conclusion of reverification. They are ready to abide by the consequences as

contemplated in the matter of Shweta Balaji Isankar (supra). It is desirable to issue them conditional validity. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The common judgment and order dated 21.11.2023 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 co-terminus with validity certificates of their father and uncle.
- d. The petitioners shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE