



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

WRIT PETITION NO. 8376 OF 2024

1. Shreya d/o Ramrao Bembre

2. Yash s/o Ramrao Bembre

...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),
and Member Secretary,
Near CIDCO Bus Stand, Chhatrapati Sambhajinagar,
Dist. Chh. Sambhajinagar. ...Respondents

...

Advocate for Petitioners : Mr. Thorat Chandrakant R.

Addl.GP for Respondents/State : Mr. A.R. Kale

...

**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 children of Ramrao. Their tribe certificates are invalidated by judgment and order dated 15.07.2024. They would rely on validity certificate of their father Ramrao who is the first validity holder.

3. The learned advocate for the petitioners submits that relying upon father's validity, in all seven validities are issued in the close relation of the petitioners. The validity certificates were issued after following due procedure of law and would corroborate the petitioners' claim.

4. Learned Additional GP supports the impugned judgment and order. He places on record original papers of the petitioners. He would submit that father of the petitioners had obtained validity certificate by suppressing material facts and relying on validities of maternal side relatives and therefore it is rightly discarded. It is further submitted that the school record of Chandrakala, Shivanand and Ganpat are incompatible with the tribe claim. Though petitioners have disputed relationship with Chandrakala, Shivanand and Ganpat, the affidavit filed by Ramrao disclosing the genealogy would indicate their relationship with the petitioners. The Committee has issued show cause notice to the validity holder – Ramrao. Therefore it is submitted that this would not be a fit case to entertain petition and to cause any interference in the impugned judgment.

5. We have considered the rival submissions of the parties. The genealogy placed on record would indicate that petitioners' father Ramrao is the first validity holder. Relying on him, validity certificates are issued to other relatives which are shown in the genealogy namely Anup, Akshay, Rohan, Rohit, Rushikesh, Narendra, Rajesh and Omprakash.

6. It reveals from the record that vigilance inquiry was conducted in the matter of petitioners' father. We have verified from the original papers that petitioners' father- Ramrao was issued with validity certificate by the Scrutiny Committee by a speaking order.

7. The Committee has issued show cause notice to Ramrao and has proposed re-verification. Under these circumstances, we would not embark on any inquiry in respect of the alleged fraud while issuing the validity certificate to the petitioners' father. At this juncture, we are of the considered view that the validity certificate of petitioners' father was issued after following due procedure of law. Unless it is revoked, petitioners cannot be denied the benefit of same social status.

8. Undisputedly, there are at-least seven validity certificates issued on the basis of certificate of validity of Ramrao. Though the Committee has proposed their re-verification, those certificates would enure to the benefit of the petitioners. Learned AGP would point out that school record of Chandrakala, Shivanand and Ganpat are incompatible with the tribe claim of the petitioners. It is further pointed out that the manipulation was noticed in case of school record of other blood relatives. However, this Court would not undertake any exercise for determining whether the incompatible and the tampered school record was concealed and would amount to fraud or not as the Committee has already proposed to undertake re-verification. Even the validity holders are not before us.

9. 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

- (a) The writ petition is partly allowed.
- (b) The impugned judgment and order dated 15.07.2024 passed by the Scrutiny Committee is quashed and set aside.
- (c) The Scrutiny Committee shall immediately issue tribe validity certificates of 'Mannervarlu' scheduled tribe to the petitioners. The same shall be subject to the final outcome of re-verification proposed by the Scrutiny Committee.
- (d) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]