



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

WRIT PETITION NO. 8381 OF 2024

Ankita Manoj Akole .. Petitioner

Versus

Scheduled Tribe Certificate Scrutiny
Committee through its Member
Secretary .. Respondent

Shri Mahesh S. Deshmukh, Advocate for the Petitioner.
Shri A. R. Kale, Addl.G.P. for the Respondent.

**AND
WRIT PETITION NO. 8388 OF 2024**

Pranay Suresh Akole and another .. Petitioners

Versus

Scheduled Tribe Certificate Scrutiny
Committee through its Member
Secretary .. Respondent

Shri Mahesh S. Deshmukh, Advocate for the Petitioner.
Shri N. D. Batule, A.G.P. for the Respondent.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 13 AUGUST 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally considering urgency in the matter. Both the petitions are directed against invalidation of the tribe certificates of the petitioners by distinct judgments and

orders passed on 01.08.2024 by the respondent/Scrutiny Committee. The petitioners are blood relatives and they are relying upon same record, hence we are considering both the petitions together.

2. Learned counsel for the petitioners submits that petitioner – Ankita is relying on validity certificate of her father Manoj. In another petition petitioners Shruti and Pranay, who are siblings, are relying upon validity certificate of their father Suresh. Petitioner – Ankita's real sister Antara was issued with the validity certificate by the High Court. He would further rely on validity certificate of Nisha Rajendra Akole issued by the High Court.

3. The learned Assistant Government Pleaders support impugned judgments and orders. They would submit that Committee has taken plausible and reasonable view. The tribe claims are rejected as the validity certificates are found to be unreliable and there was incompatible record.

4. We have considered submissions of the parties. The genealogy has not been disputed by the respondent. Validity holder Antara is real sister of petitioner Ankita. Validity holder Suresh is the father of petitioner Shruti and Pranay in another petition. It is noticed that self same record has already been considered by the High Court as well as Scrutiny Committee in granting validity certificates.

5. We have gone through common order of the coordinate bench passed in the matter of Antara and Yash in Writ Petition No. 13575 of 2021 and Writ Petition No. 13576 of 2021 respectively. There is no reason to discard the validity certificates. Unless earlier validity certificates are revoked, petitioners cannot be deprived of same social status.

6. The Committee has issued show cause notices to the validity holders. It is likely to consume some time and the petitioners cannot be made to wait till outcome of the reverification. Petitioners are ready to run the risk of facing consequences as laid down in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. We find that the petitioners are entitled to receive validity certificates conditionally. We, therefore, pass following order :

O R D E R

A. The writ petitions are allowed partly.

B. The impugned judgments and orders dated 01.08.2024 passed by the respondent/Scrutiny Committee are quashed and set aside.

C. The respondent/Scrutiny Committee shall issue validity certificates of 'Mannervarlu' (Scheduled Tribe) to the petitioners immediately, which shall be subject to outcome of reverification of validity holders.

D. The petitioners shall not be entitled to claim equities.

F. The writ petitions are disposed of in above terms.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 24