



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

WRIT PETITION NO. 9545 OF 2019

Sakshi Hanmandlu Tamlurkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 9560 OF 2019**

Samiksha Hanmandlu Tamlurkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 9586 OF 2019**

Shubham Hanmandlu Tamlurkar
through father
Hanmandlu Laxman Tamlurkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 9564 OF 2019**

Shivam Hanmandlu Tamlurkar
through father
Hanmandlu Laxman Tamlurkar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioners in all matters.

Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2 in all matters.

Shri Kashyam A. Shinde, Advocate h/f Shri M. D. Narwadkar, Advocate for the Respondent No. 3 in W. P. No. 9545 of 2019.

Shri S. G. Karlekar, Advocate for the Respondent No. 3 in W. P. No. 9560 of 2019.

shri C. A. Jadhav, Advocate for the Respondent No. 4 in W. P. No. 9560 of 2019.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 OCTOBER 2024.**

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

. Heard both sides finally.

2. By common judgment and order dated 27.07.2019, the tribe claims of the petitioners, who are the siblings, are rejected giving rise to these petitions. As there is common record, we propose to decide the matters by common order by referring to papers of Writ Petition No. 9545 of 2019.

3. The learned counsel for the petitioners relies on the five validity certificates issued in the family including father, real uncles and cousins. It is submitted that though there is order of invalidation in the matter of uncle Tukaram Laxman, Vaibhav who is cousin of the petitioners was issued with the validity certificate. It is submitted that in case of uncle Shivkumar, there was no contrary record. The Scrutiny Committee has committed an error of jurisdiction in discarding the validities.

4. The learned Additional Government Pleader supports the impugned judgment and order. He tenders on record original papers of validity holder Vaishali, who is real sister of first validity holder Vaibhav Sayalu Dasarwar. It is further informed that papers of first validity holder are not traceable despite genuine efforts. The learned Addl. G. P. would submit that Tukaram's tribe certificate was invalidated by the Committee and it was confirmed by the High Court. This was suppressed while securing validities by father and uncle Shivkumar. It is vehemently submitted that there is no relationship of the petitioners with first validity holder Vaibhav or his sister Vaishali.

5. We have considered rival submissions of the parties. Following are the details of validity holders.

Sr. No.	Name of validity Holder	Relationship with the Petitioners	Date of Issuance of validity
1.	Vaibhav Sayalu Dasarwar	Cousin brother	09.06.2002
2.	Shivkumar Laxman Tumkurkar	Uncle	25.04.2011
3.	Tukaram Laxman Dasarwar	Uncle	04.07.2011
4.	Vitthal Laxman Dasarwar	Uncle	04.07.2011
5.	Hanmanlu Laxman Tumkurkar	Father	16.09.2011
6.	Vaishali Sayalu Dasarwar	Cousin sister	24.10.2008

6. It is a matter of record that the tribe certificate of uncle Tukaram was invalidated by the Committee vide order dated

17.01.2000. He had preferred Writ Petition No. 4530 of 2000, which was dismissed on 24.04.2002. This invalidation was not disclosed by the petitioners' father and uncles. Tukaram was again issued with validity certificate on 04.07.2011. It cannot be countenanced that invalidation of Tukaram, who is blood relative was not known to Shivkumar or cousin Vaibhav.

7. It is the contention of the petitioners that Vaibhav was the first validity holder and by following due procedure of law, he was issued with the validity certificate. From the original papers of Vaishali, we could see vigilance report in the matter of Vaibhav and the order passed by the Committee. The learned Addl. G. P. has adverted our attention to the reply filed by the petitioners to the vigilance report in the present matter. When the incompatible school record was pitted against the petitioners, the petitioners disowned their relationship with the persons appearing in such record. The petitioners are conveniently changing the stand. They have even denied their relationship with Vaishali and her father in para No. 4 of their reply. We have our reservations for the relationship of the petitioners with Vaibhav or Vaishali.

8. At this juncture, the learned counsel for the petitioners requested to remand the matters so as to enable him to establish relationship with branch of Vaibhav. As this is not an adversarial litigation, we are inclined to grant the request. We, therefore, pass following order.

O R D E R

- i) The writ petitions are allowed partly.
- ii) The common judgment and order dated 27.07.2019 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- iii) The matters are relegated to the respondent No. 2/Scrutiny Committee for deciding it afresh by extending an opportunity of hearing to the petitioners.
- iv) The petitioners shall appear before the Committee on 21.10.2024 and the matters shall be decided by the Committee within a period of six (06) months from the date of appearance of the petitioners.

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

bsb/Oct. 24