



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 WRIT PETITION NO. 9263 OF 2023

1. KRANTIKUMAR VENKATRAO DARMOD
2. BHAVANA VENKATRAO DARMOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. R.K. Mendadkar
a/w. Mr. Vijay Gangalwad and Mr. Sagar S. Phatale
AGP for Respondents : Mr. V.M. Jaware

...

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

DATE : 06 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

This petition is disposed of finally in view of exigency
of the petitioners.

2. Petitioners are the siblings and they are aggrieved by
judgment and order dated 26.07.2023, invalidating and
confiscating their tribe certificates.

3. Learned counsel for the petitioners tenders on record
application dated 01.12.2022 with affidavit of Pandharinath
Dharmaji Darmod which were submitted before Committee. He

would rely upon the validity certificate of real uncle Pandharinath which was issued after following due procedure of law. The reason assigned by the Committee for discarding validity of Pandharinath is contended to be perverse.

4. Learned AGP tenders on record original file of validity holder Panbdharinath. He would point out that school record of Potanna and Kamalbai was incompatible and that of Vyankatrao and Pandharinath was manipulated. He further submits that validity certificate was rightly discarded by the Committee. The Committee has issued show cause notice to Pandharinath.

5. We have considered rival submissions of the parties. There is no dispute that Pandharinath is real uncle of the petitioners. Vigilance enquiry was conducted in his matter and by speaking order, he was issued with validity certificate by the Committee.

6. We have gone through vigilance report and speaking order from the original papers. The certificate of validity of Pandharinath would corroborate the tribe claim. Unless the validity is revoked, petitioners cannot be deprived of same social

status. The contrary entries and manipulation in the school record pointed out by learned AGP would not deter us from issuing conditional validity.

7. The petitioners are ready to run the risk as contemplated by *Shweta Balaji Isankar Versus State of Maharashtra and others*, passed by this High Court in Writ Petition No. 5611/2018. Impugned judgment and order is liable to be quashed. Hence, we pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. Impugned judgment and order is quashed and set aside.
- iii. Respondent no. 2 – Scrutiny Committee shall issue tribe validity certificates to the petitioners forthwith subject to outcome of reverification of validity certificate of Pandharinath.
- iv. Petitioners shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]