



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 WRIT PETITION NO. 8623 OF 2024

SAHIL GANGADHAR TIPARSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
939 WRIT PETITION NO. 8636 OF 2024

SHRIRAM GOVIND TIPARSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
946 WRIT PETITION NO. 8648 OF 2024

AVANI ASHOK TIPARSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
948 WRIT PETITION NO. 8659 OF 2024

SAINATH GOVIND TIPARSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
949 WRIT PETITION NO. 8660 OF 2024

ADITI ASHOK TIPARSE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. M.A. Golegaonkar
AGP for Respondents : Mr. S.P. Joshi

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 14 AUGUST 2024

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

1. The petitioners are close blood relatives and claim to be belonging to scheduled tribe 'Mannervarlu'. They rely upon common record and common orders of the High Court passed while issuing validity certificates to the members of their family. We propose to decide these petitions by this common order.
2. The tribe claim of petitioners Avani and Aditi has been invalidated by Scrutiny Committee by judgment and order dated 06.08.2024. The tribe claim of Shriram and Sahil has been invalidated by judgment and order dated 07.08.2024. Tribe claim of Sainath has been invalidated by judgment dated 05.08.2024. These judgments and orders are under consideration in the present writ petitions. The petitioners are paternal side relatives *inter se*, which can be seen from common genealogy placed on the record. There is also no dispute about the relationship of the petitioners with the same validity holders.
3. Learned counsel for the petitioners submits that there are twenty two validities issued in the family. Deepali Deorao

Tiparse was issued with validity certificate by order of the High Court passed in Writ Petition No. 10406 of 2017 on 28.09.2017. It was not conditional order.

4. Thereafter validity certificates of Rupali, Rushikesh, Abhishek, Saikiran and Deepali were revoked by Scrutiny Committee vide judgment and order dated 16.07.2019. The matter was taken to High Court in Writ Petition No. 12698/2021. By our order dated 24.07.2023, the writ petition was allowed partly, quashing the judgment and order of recalling validation. Those petitioners were issued with validity certificates conditionally.

5. Learned AGP supports impugned judgment and order. He would submit that the Scrutiny Committee has taken plausible and reasonable view. Considering incompatible school record the committee preferred not to rely upon validity certificates. It is also informed that Committee has preferred Review Petition in the matter of Deepali Deorao Tiparse. It is, therefore, prayed that no interference is called for in the impugned judgment.

6. It is matter of record that Deepali Deorao Tiparse, was issued with validity by order of High Court in Writ Petition No.

10406/2017 vide order dated 28.09.2017. Strangely her certificate was cancelled by the Committee along with Rupali, Rushikesh and Abhishek. This grave mistake was rectified by order dated 24.07.2023 in Writ Petition No. 12698/2021.

7. When Deepali was issued with validity without imposing any condition, her validity could not have been revoked. She was not even noticed before revoking validity. A review was only filed before principal seat.

8. Review Petition Stamp No. 2963/2019 before principal seat is still pending. Therefore, while partly allowing the petitions the validity certificates to be issued by our order dated 24.07.2023 were made subject to outcome of Review Petition. Thus, validity certificate of Deepali is intact as Review Petition has not been decided till this date.

9. It is also not disputed that the vigilance enquiry conducted in the matter of Rupali Deorao Tiparse was adopted in the case of present petitioners and reply was also filed by them indicating various orders passed by the High Court. In the wake of such factual position, we are of the considered view that on the

ground of parity, the petitioners are entitled to receive validity certificates subject to outcome of review proceeding pending in the matter of Deepali. The self same record has already been considered on number of occasions and the petitioners cannot be discriminated by taking any contrary view. We find that impugned judgment and order is unsustainable. We, therefore, pass the following order :

ORDER

- i. The writ petitions are partly allowed. The impugned order is quashed and set aside. The respondent/Committee shall immediately issue validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to outcome of the final outcome of the review petition filed in the case of Deepali.
- ii. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]