



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO 9021 OF 2024

Shreya d/o Shivaji Kalewad,
Age 18 years, Occ. Education,
R/o. Wadeपुरी Tq. Loha, Dist.
Nanded.

... Petitioner

VERSUS

- 1) The State of Maharashtra.
- 2) Scheduled Tribe Certificate Scrutiny
Committee, Kinwat, having its
headquarter at Chhatrapati Sambhajinagar
through its Member Secretary.

... Respondents

...

Advocate for Petitioner : Mr. S.S Phatale
A.G.P. for Respondents/State : Mrs. S.S.Joshi

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

DATE : 28.08.2024

PER COURT :

In view of the exigency being demonstrated, we have taken up the matter for final disposal at the admission stage.

2. The petitioner is challenging the order of respondent no. 2-scrutiny committee refusing to validate her '*Mannervarlu*' scheduled tribe certificate.

3. The learned advocate for the petitioner would submit that even though the committee has now assigned several reasons and attributing fraud on the part of number of validity holders in the family, for refusing to extend the benefit of the validities to the petitioner, till the time the committee is able to revoke the certificates of validity, the petitioner cannot be deprived of the same social status as was conferred upon these validity

holders. The petitioner is ready to suffer the consequences contemplated in **Shweta Balaji Isankar Vs. State of Maharashtra and others (Writ Petition No. 6320 of 2017)**, and she may be granted certificate of validity.

4. The learned advocate for the petitioner would submit that the petitioner's father was issued with a certificate of validity by following due process of law. Vigilance enquiry was conducted and a reasoned order was passed. He would, therefore, submit that in light of the parameters laid down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023(2) Mh.L.J.785***, the petitioner is entitled to have a validity certificate.

5. The learned A.G.P would oppose the petition. She would submit that the petitioner's family members have resorted to rampant fraud. Contrary record was concealed from the then committees. Those could be revealed while undertaking vigilance enquiry in the petitioner's matter. She could not get through affinity test. Several transactions in the nature of sale of immovable properties could be traced, wherein while selling the lands, her blood relatives expressly declared that they were not belonging to tribal community. She would submit that the committee has expressly referred to the contrary entries and has taken a plausible decision. The committee has already issued show cause notices to the petitioner's father and several other blood relatives and has initiated a process for recalling their validities. They are not cooperating and the petition be dismissed.

6. We have considered the rival submissions and perused the papers. There cannot be a dispute about the fact that as indicated in the order under challenge, there are several validities in the family including that of petitioner's father Shivaji. As can be seen, he was held entitled to have a certificate of validity by following due process of law. A vigilance enquiry was conducted. Documents were collected and expressly referred to in the order and expressly observing that the committee accepted the vigilance

report and remarks given by the research officer, it validated the tribe claim. These being the parameters laid down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)***, the petitioner is entitled to derive its benefit albeit, she can have a certificate of validity coterminous with the validity of her father.

7. The Writ Petition is allowed partly.

8. The impugned order is quashed and set aside. The respondent no. 2-committee shall immediately issue a validity certificate of 'Mannervarlu' scheduled tribe to the petitioner, which shall be coterminous with the validity of her father Shivaji.

9. The petitioner's father Shivaji shall cooperate with the committee in deciding the matter, which the committee has reopened.

10. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-