



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9373 OF 2024

Sayali D/o Ramlu Bodhanapod
Age 24 years, Occu. Education,
R/o. Bolegaon, Tq. Biloli,
Dist. Nanded
Through Power of Attorney Holder
Ramlu S/o Bashetti Bodhanapod
Age 52 years, Occu. Service,
R/o. As above

.. Petitioner

Versus
The State of Maharashtra
Through its Secretary and others

.. Respondents

...
Advocate for petitioner : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.P. Joshi
...

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

DATE : 4 SEPTEMBER 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

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

2. We have heard both the sides and perused the papers.

3. The committee admits the fact that petitioner's cousin
uncle - Abul Lachhamanna Bodhanapod possesses certificate of
validity issued by the then committee on 21-06-2008. Over and above,

according to the committee, there are at least 5 other validities in the family albeit the petitioner is not relying on those.

4. The committee in the impugned order, seeks to take exception to the validity of Abul by saying that he had succeeded in obtaining the certificate of validity by concealing the contrary record and it has decided to undertake a review of his validity.

5. We deem it appropriate not to enter into and examine sustainability of such inference drawn by the committee, for, it may potentially cause some prejudice to the validity holder, who is not before us.

6. Incidentally, we have gone through the original papers of validity holder - Abul. He was issued with certificate of validity by undertaking a vigilance enquiry and by a reasoned order. Even the school record of petitioner's cousin grandfather - Lachhamanna was relied upon which was of the year 1951.

7. For the reasons best known to the committee, though it has made certain observations as regards the circumstances in which Abul was held entitled to have a certificate of validity, it has conspicuously ignored the fact of the then committee having relied on Lachhamanna's favourable record of 1951. Be that as it may, in the light of parameters laid down in ***Maharashtra Adiwasi Thakur Jamat***

Swarakshan Samiti Vs. State of Maharashtra and others; 2023

SCC Online SC 326, Abul having been granted validity by following due process of law, the petitioner is entitled to have a certificate of validity co-terminus with the validity of Abul.

8. Writ petition is allowed partly.
9. Impugned judgment and order is quashed and set aside.
10. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe. The validity shall be co-terminus with the validity of Abul.
11. The petitioner shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/