



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8820 OF 2024

Shivam s/o Hanumant Ganglod,
Age 19 years, Occ. Student,
R/o. Kasrali, Tq. Biloli, Dist. Nanded.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra.
- 2) Scheduled Tribe Certificate Verification
Committee, Kinwat, Headquarter
Chattatrapati Sambhajanagar,
Through its Deputy Director (Research)
and Member Secretary.

... **Respondents**

...

Advocate for Petitioner : Mr. C.R. Thorat.
A.G.P. for Respondents/State : Mr. V.M. Chate

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

DATE : **23.08.2024**

ORDER : (MANGESH S. PATIL, J.)

We have heard both the sides finally at the stage of admission, in view of the urgency.

2. Under Article 226 of the Constitution of India, the petitioner is challenging the order of respondent no. 2-scrutiny committee, passed in a proceeding under Section 7 of the Maharashtra Act XXIII of 2001, refusing to validate his '*Mannervarlu*' scheduled tribe certificate.

3. The learned advocate for the petitioner submits that by following due process of law, petitioner's distant paternal uncle Dnyaneshwar Balaprasad Ganglod was issued with a certificate of validity by the then committee. A vigilance enquiry was conducted. Dnyaneshwar's sister Anupama was also

granted certificate of validity by following due process of law. In Writ Petition No. 8840/2021, the first decree cousin of Dnyaneshwar and Anupama by name Arti d/o Suresh Ganglod, was issued with a certificate of validity by the order of this Court. Accepting the stand of the committee to undertake rescrutiny of the validities possessed by Balaprasad and Anupama, Arti was issued with conditional validity. The self-same record has been considered in all these matters. Even if the committee has decided to undertake reverification of the validities, even the petitioner is entitled to have equal treatment. He is ready to face the consequences contemplated in *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017).

4. The learned A.G.P would oppose the petition. He would submit that the petitioner and his father are resorting to fraud and so have the other validity holders. As mentioned in the impugned order it transpires that the petitioner's father Hanumant had already faced invalidity on 26.06.1989, however, without disclosing such invalidation, Dnyaneshwar and Anupama could obtain certificates of validity and the petitioner may not be allowed to derive the benefit of such suppression of material fact. The learned A.G.P would also submit that even the petitioner and his father have been bold enough to expressly mention in the affidavit filed in form 'F' that there has been no invalidation in the family. He would, therefore, submit that the petitioner is not entitled to have even a conditional validity.

5. We have considered the rival submissions and perused the papers.

6. It is a matter of record that the petitioner and his father had never disclosed latter's invalidation. However, we could go through the file of Dnyaneshwar who was issued with a certificate of validity by following due process of law. Even vigilance enquiry was conducted in the matter of Anupama, Dnyaneshwar's sister, and by a reasoned order both of them were held entitled to have certificates of validity. Following the principles laid

down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioner is entitled to derive the benefit of these validities even if the committee has now decided to undertake rescrutiny of these validities.

7. A first degree cousin of Dnyaneshwar and Anupama by name Arti Suresh Ganglod has also been found entitled to have a conditional validity by the order of this Court in Writ Petition No. 8840/2021.

8. In view of such state of affairs, the petitioner is ready to face the consequences ***Shweta Balaji Isankar (supra)***.

9. The writ petition is partly allowed.

10. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to reopen.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-