



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9066 OF 2024

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|---------------------------------|------------------------|
| 1. Amruta d/o Anurudra Jadhav | |
| 2. Mahesh s/o Bibhishan Jadhav | |
| 3. Yogesh s/o Bibhishan Jadhav | |
| 4. Shivani d/o Bibhishan Jadhav | ... PETITIONERS |

VERSUS

- | | |
|--|------------------------|
| 1. The State of Maharashtra,
Department of Tribal Development
Mantralaya, Mumbai - 32
through its Secretary | |
| 2. The Scheduled Tribe Certificate Scrutiny
Committee Chhatrapati Sambhajinagar
through its Member Secretary | ... RESPONDENTS |

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Advocate for petitioner : Mr. Vivekanand U. Jadhav
Add.G.P. for respondents/State : Mr. P.S. Patil

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CORAM	: MANGESH S. PATIL & SHAILESH P. BRAHME, JJ.
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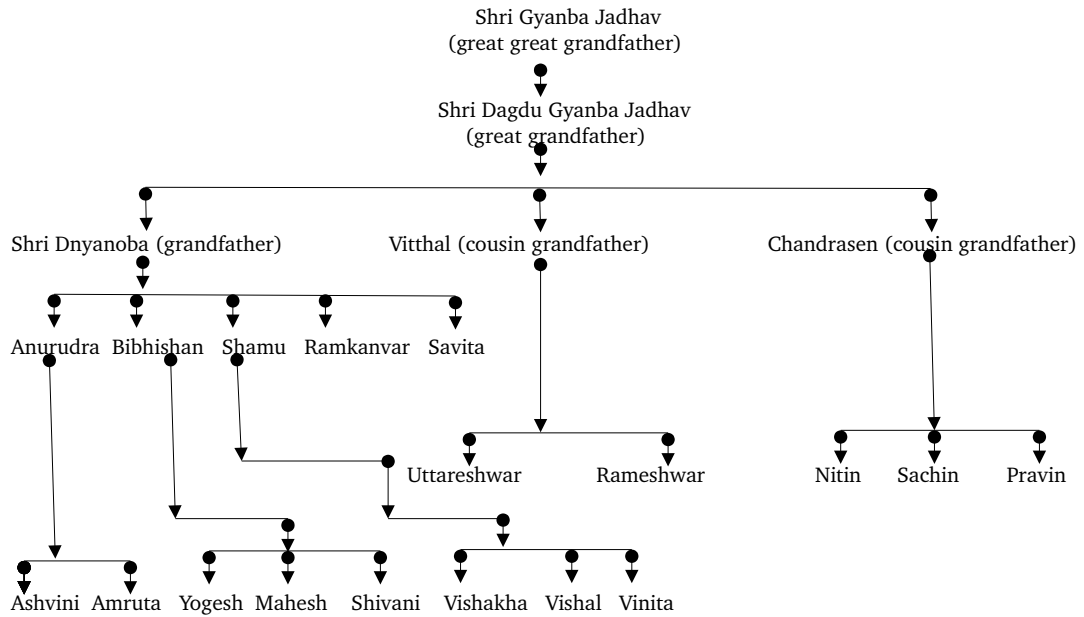
DATE	: 06.09.2024
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ORDER (MANGESH S. PATIL, J.) :

The petitioners are related by blood *inter se* and are seeking to take exception to the common judgment and order of the respondent No.2 – Scrutiny Committee dated 08.08.2024 refusing to validate their ‘Koli Mahadev’ scheduled tribe certificates.

2. Considering the urgency the matter has been heard finally at the stage of admission.

3. The petitioners’ are relying upon the following genealogy and the Committee has not entertained any doubt about it :



4. Admittedly, Anurudra who is father of petitioner Amruta possesses a certificate of validity. A vigilance inquiry was conducted, though, as is being pointed out by the learned AGP, not even a single favourable record could be collected during vigilance inquiry and the four school records collected were merely describing Anurudra and other blood relatives as 'Hindu'. He was relying upon and even the vigilance report referred to validity of Nitin Chandrasen Jadhav. There was an affidavit filed to that effect in the proceeding of Anurudra.

5. Though the Committee in the impugned order could have rather should have noticed this fact of reliance placed by Anurudra on the validity of Nitin Chandrasen Jadhav, the impugned order clearly demonstrates that the Committee has not noticed this fact or may be, has conveniently avoided to discuss it.

6. We have a reason to believe this. Anurudra's file with the

Committee contains a copy of the order of the High Court in Writ Petition No.2636/1995 dated 22.06.1995 whereby Nitin was held to be entitled to have a certificate of validity. In all probability the Committee must have found it difficult to take exception to Nitin's validity in view of the fact that he was held entitled to have it by this Court. It has resorted to a convenient mode of absolutely ignoring Nitin's validity.

7. The learned AGP realizing the awkward situation would admit that even if Committee is now seeking to take exception to the validity of Anurudra, may be on the ground of fraud, there would be no option except to either challenge the order in the matter of Nitin or seeking its review.

8. Obviously, since the Committee avoided to make any comment by going into the validity of Nitin, even the impugned order does not contain any observation as to if it was entertaining any doubt about the blood relationship between the petitioners and Nitin. Precisely for this reason we have ensured and have gone through the original file of Anurudra maintained by the Committee. It is then that we could notice that Anurudra was relying upon validity of Nitin and even Nitin's affidavit was filed in the matter. The Committee on the basis of Nitin's validity had granted validity to Anurudra. Consequently, we have no manner of doubt that the petitioners are related to Nitin by blood who was granted validity by the High Court.

9. Even if the Committee now undertakes any process for

recalling validity of Anurudra, that would be inconsequential inasmuch as so long as Nitin's validity is in force, everyone related to him by blood will be entitled to have a certificate of validity.

10. The writ petition is allowed. The impugned order is quashed and set aside. The respondent - committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe. The validities will be co-terminus with the validity of Nitin Chandrasen Jadhav.

11. Petitioners shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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