



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

938 WRIT PETITION NO. 9148 OF 2024

Aditya S/o Madanrao Kadam,
Age – 17 years (Minor), Occ. Student,
U/g of father - Madan S/o Kisanrao Kadam
Age – 53 years, Occ. Service,
R/o Flat No. 35, Bhagyanagar,
Karegaon Road, Parbhani,
Tq. & Dist. Parbhani

... Petitioner

VERSUS

1] The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary

2] The Scheduled Tribe Certificate Scrutiny
Committee, Chh. Sambhajinagar Division,
Chh. Sambhajinagar,
Tq. & Dist. Chh. Sambhajinagar
Through its Member Secretary

... Respondents

...
Advocate for the Petitioner : Mr. Sushant C. Yeramwar
A.G.P. for the Respondents/State : Mr. S.M. Ganachari

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 27.08.2024

ORAL ORDER (SHAILESH P. BRAHME, J.) :

Heard both sides finally, considering the urgency in the matter.

2. The petitioner is aggrieved by the judgment and order of scrutiny committee invalidating his tribe certificate. He seeks reliance on the validity issued to his father Madan and real brother – Ashish.

3. Learned counsel for the petitioner submits that Ashish was issued with validity certificate by order dated 23-10-2020 in writ petition no. 3236 of 2020. On the ground of parity, he submits that petitioner is also entitled to receive the validity.

4. Learned AGP would oppose the submissions of the learned counsel for the petitioner. He would submit that the scrutiny committee has rightly discarded the validity certificate. The school record of Kisan, Manikrao, Anusuya, Madan, Dattatraya and Vinayak was found to be tampered. It is further submitted that the school record of Ravindra was incompatible with the tribe claim. Under these circumstances, it is submitted that, the committee has rightly rejected the tribe claim of the petitioner.

5. We have considered the submissions of the parties. We have gone through the genealogy. Petitioner's father – Madan and real brother – Ashish are the validity holders. The order passed by a co-ordinate bench in the matter of Ashish (writ petition no. 3236 of 2020 – dated 23-10-2020) is on record. It reveals that the selfsame record has been considered by the Court and thereafter the validity certificate was issued subject to the outcome of the re-verification in the matter of his father. We propose to follow the same reasons and the course in the present matter also.

6. Unless and until, the validity certificate issued to the father of the petitioner is recalled, the petitioner cannot be deprived to derive of the benefit of the same social status. It is informed that show cause notices have been issued to the validity holders. Petitioner is ready to run the risk in view of ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017). The petitioner deserves to be issued with validity certificate conditionally.

7. We, therefore, pass the following order :-

ORDER

I) The writ petition is partly allowed. The impugned judgment and order is quashed and set aside. The respondent - scrutiny committee shall forthwith issue the tribe validity certificate to the petitioner as belonging to 'Thakur' - scheduled tribe. The validity certificate shall be subject to the final outcome of the re-verification proposed by the scrutiny committee.

II) The petitioner shall not claim any equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

arp/-