



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11191 OF 2021

Baburao S/o Govindrao Sudewad
Age : 61 Years, Occ. Retired,
R/o: Mendka, Tq. Mudkhed
Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director [R]
Dist. Aurangabad
3. The Executive Engineer
Upper Penganga Project Division No.1,
Nanded, Dist. Nanded
4. The Deputy Engineer
Upper Penganga Project,
Sub Division No. 6, Mudkhed,
Tq. Mudkhed, Dist. Nanded
5. The Executive Engineer
Quality Control, Upper Penganga Project,
Chaitanya Nagar, Nanded
Dist. Nanded

..RESPONDENTS

...
Advocate for the petitioner : Mr. Sunil M. Vibhute
Addl. GP for the respondent – State : Mr. M.M. Nerlikar
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**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 19 DECEMBER 2024

ORDER (MANGESH S. PATIL, J.) :

Heard both sides finally at the stage of admission.

2. The petitioner is putting up a challenge to the judgment and order of the respondent – scrutiny committee, refusing to validate his 'Mannervarlu' scheduled tribe certificate.

3. Admittedly, the impugned order is a common order in the matter of the petitioner and his daughters Pooja and Bhagyashree. They preferred writ petitions no. 11174 of 2021 and no. 11173 of 2021, taking exception to the selfsame judgment and order. By a common judgment, the writ petitions were allowed partly on 07-11-2023 and they were held entitled to have certificates of validity. However, since the committee has decided to undertake scrutiny of the earlier validities in the family, which according to it were obtained by active concealment of contrary record, it was declared that the certificates of validity of Pooja and Bhagyashree would be subject to the final outcome of the matters which the committee has decided to re-open.

4. Since it is a matter of questioning sustainability of the common order, since it has been already set aside in respect of petitioner's daughters, no separate and independent view can be taken.

5. The writ petition is allowed.
6. Impugned order is quashed and set aside.
7. 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 validities of earlier validity holders.
8. The petitioner shall not claim equities.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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