



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9241 OF 2024

Rohan S/o Ramesh Rautwar,
Age : 18 years, Occu : Education,
R/o. Krushnoor, Tq. Naigaon,
Dist. Nanded

.. Petitioner

Versus

1] The State of Maharashtra
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai – 400 001.

2] Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Having its Head Quarter,
at Aurangabad,
through its Member Secretary

.. Respondents

...
Advocate for petitioner : Mr. Sagar S. Phatale
AGP for the respondent – State : Mr. V.M. Chate
...

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

DATE : 27 AUGUST 2024

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

Heard.

2. The petitioner is challenging the order of invalidation.

3. Issue notice for final disposal. AGP waives service for both
the respondents.

4. In the light of urgency, inasmuch as the petitioner has been allotted a college and has to secure admission by 30-08-2024, we have heard the matter finally.

5. The learned advocate for the petitioner submits that petitioner's real sister - Monika had also suffered similar invalidation. In writ petition no. 1188 of 2022, by order dated 02-02-2022 passed by a co-ordinate bench of this Court, she was held entitled to have a certificate of validity subject to usual condition.

6. The learned advocate would submit that the vigilance enquiry was conducted in the matter of Monika. The petitioner was allowed to respond to the same vigilance enquiry report and he had adopted Monika's reply. He would submit that the petitioner would be ready to accept conditional validity and face the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017).

7. Learned AGP would oppose the petition. He would submit that each proposal will have to be decided on its own merits. No error or illegality is committed by the committee in discarding the petitioner's proposal on merits.

8. Admittedly, petitioner's sister – Monika was found entitled to have a certificate of validity by this Court. Again, admittedly, the reply filed by her was allowed to be adopted by present petitioner,

meaning thereby that same set of favourable or contra entries has undergone a fresh scrutiny by the respondent – scrutiny committee in petitioner's matter.

9. Since it is a matter of social status and tribe claim, if the same set of evidence was the subject matter of scrutiny by this Court in the matter of Monika and she was held entitled to have certificate of validity, even the petitioner would be entitled to have it. There is no need for undertaking a fresh threadbare scrutiny than what was done by the co-ordinate bench in the matter of Monika.

10. For the reasons recorded by the co-ordinate bench in the matter of Monika, the present writ petition is allowed partly.

11. Impugned order is quashed and set aside.

12. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

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

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/