



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9234 OF 2024

Pranav S/o Anil Lolapod,
Age : 19 years, Occu : Student,
R/o. At. Post Saykheda,
Tq. Dharmabad, Dist. Nanded

.. Petitioner

Versus

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

2] Scheduled Tribe Certificate
Verification Committee, Kinwat
Headquarter Chhatrapati Sambhajinagar,
Near CIDCO Bus Stand,
Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar,
Through its Deputy Director (Research)
and Member Secretary

.. Respondents

...
Advocate for petitioner : Mr. Chandrakant R. Thorat
AGP for the respondent – State : Mrs. P.J. Bharad
...

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

DATE : 27 AUGUST 2024

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

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

2. Heard both the sides finally, at the stage of admission considering the urgency.

3. The petitioner is challenging the order of invalidation, whereby the respondent – committee has confiscated and cancelled his 'Mannervarlu' scheduled tribe certificate.

4. Learned advocate for the petitioner takes us through the genealogy furnished before the committee on oath by the petitioner (**Exhibit – B**). He would point out that one Saybu was the common ancestor having three sons – Saybu, Shivram and Poshetti. The petitioner is the great grandson of Poshetti. His cousin Kalpana Madhavrao has been issued with a certificate of validity. From the branch of Shivram, Nagesh and Gangaprasad possess certificates of validity issued pursuant to the order of this Court in writ petition no. 1241 of 2022 and 1392 of 2022, dated 3 August 2023.

5. He would further point out that the original validity holder is one Madhav Gangaram who is the great grandson of Saybu. He was also issued with a certificate of validity pursuant to the order of this Court in writ petition no. 5211 of 2003, dated 25 November 2004. He would submit that in the light of the validities issued by this Court, there being no dispute about the petitioner being related to them by blood, the petitioner being ready to run the risk of facing the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017), he may be granted

conditional validity even though Madhav Gangaram Lolapod was granted a clear validity, as was done in the matters of Nagesh Lolapod and Gangaprasad Lolapod.

6. The learned advocate for the petitioner also points out that the vigilance enquiry conducted in the matter of Gangaprasad was in fact a common vigilance enquiry. No independent enquiry was conducted in respect of petitioner and he was allowed to adopt the reply of Gangaprasad.

7. Learned AGP opposes the petition. He submits that though Madhav possesses a clear validity, this Court consciously directed Nagesh and Gangaprasad to be issued with conditional validities. The petitioner may not be granted a clear validity.

8. We have considered the rival submissions and perused the impugned judgment and order.

9. The impugned judgment and order itself indicates that the vigilance enquiry conducted in the matter of Nagesh and Gangaprasad was allowed to be adopted together with their response, in the petitioner's matter, obviously because there is no dispute about the blood relationship inter se.

10. It is also a matter of record that Madhav Gangaram Lolapod is the original validity holder who was issued with a certificate of validity pursuant to the order of this Court dated 25 November 2004 passed in writ petition no. 5211 of 2003. Even if the committee has now assigned some reasons to take exception to his validity, with a perception about he having practised fraud, till the time it is unable to undertake the process of applying for recall of the judgment and order in the matter of Madhav Gangaram Lolapod, the petitioner is entitled to derive the benefit. It would not suffice for the committee to simplicitor unilaterally conclude about Madhav having practised fraud when this Court has found him entitled to have a certificate of validity.

11. In the light of above, when there are these many validities as discussed above, and when the petitioner is ready to run the risk of facing the consequences as spoken about in the matter **Shweta Balaji Isankar** (supra), he deserves to be issued with a certificate of validity.

12. The writ petition is partly allowed.

13. The impugned order is quashed and set aside.

14. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format.

15. The validity would be co-terminus with the validity of Madhav Gangaram Lolapod.

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

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/