



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

WRIT PETITION NO. 9636 OF 2024
KU. RADHIKA D/O NAGNATH KONKATWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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WRIT PETITION NO. 9638 OF 2024
KU. SHRUTI D/O GANGADHAR KONKATWAR
THROUGH HER NATURAL GUARDIAN AND FATHER
GANGADHAR RAMLU KONKATWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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WRIT PETITION NO. 9641 OF 2024
KU. VAISHNAVI D/O NAGNATH KONKATWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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WRIT PETITION NO. 9650 OF 2024
AKSHAY S/O VIJAY KONKATWAR UNDER GUARDIANSHIP OF
NATURAL GUARDIAN AND FATHER – VIJAY S/O NAGORAO KONKATWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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WRIT PETITION NO. 13293 OF 2023
BALAJI S/O LAXMAN KONKATWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

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Advocate for Petitioner : Mr. O.B. Boinwad and Mr. S.G. Jayewar
(WP/9636/2024, WP/9641/2024 and WP/9650/2024)

Advocate for Petitioner : Mr. S.G. Jayewar (WP/9638/2024)
 Advocate for Petitioner : Mr. O.B. Boinwad (WP/13293/2023)
 Addl.GP for Respondents/State : Mr. P.S. Patil

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**CORAM : MANGESH S. PATIL &
 SHAILESH P. BRAHME, JJ.**
DATE : 06 SEPTEMBER 2024

ORDER (Per Shailesh P. Brahme, J.) :

. Heard both the sides finally at the admission stage. It is informed that the petitioners are pursuing further studies and they are in need of validity certificates. All the petitioners are related inter se and staking claim to Mannervarlu scheduled tribe. Their tribe certificates are invalidated by distinct orders passed by the Scrutiny Committee on 27.08.2024 which are under challenge. There is common record and therefore we propose to decide all the petitions by common order.

2. Learned advocates for the petitioners submit that Sahdev was issued with validity certificate after following due process of law. The petitioners are blood relatives of Sahdev and his validity would enure to their benefit. They are ready to face the consequence contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018.

3. Learned AGP supports impugned judgments and orders. He would submit that the school record of Anusaya, Ramlu, Prabhabai, Gangadhar is incompatible with the tribe claim. The manipulation in the school record was noticed in the matter of Ramlu, Balaji and

Laxman. The validities which are pressed into services were obtained by suppression of material facts and it is rightly discarded. It is contended that the petitioners did not deny the relationship with the persons whose school record was found to be inconsistent. Besides that it is contended that the incompatible record is older than the record supporting the tribe claim of the petitioners. Learned AGP would pray to dismiss the petition.

4. We have considered the rival submissions of the parties. Though the petitioners have referred to the genealogies which are apparently incomplete, with the assistance of both the sides, a comprehensive genealogy is placed on record. The relationship of the petitioners with the validity holders has not been disputed. The validity holder- Sahdev is their paternal side blood relative.

5. It transpires from record that vigilance inquiry was conducted in the matter of Sahdev. By a reasoned order, Sahdev was issued with validity certificate by the Committee. His validity is still intact. Unless it is revoked, petitioners cannot be deprived of its benefit. We are of the considered view that in view of law laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, 2023 SCC Online SC 326, validity of Sahdev is reliable.

6. It is vehemently contended that the order passed by the Committee in the matter of Sahdev is cryptic and reliance placed on the validity of Balaji is misplaced for want of paternal side

relationship. We are unable to comment on the validity of Sahdev in the present proceeding. The incompatible school record and manipulation in the school entries, would be subjected to reverification. The material which is pointed out by learned AGP cannot vitiate the validity of Sahdev at this juncture.

7. It is informed that show cause notices are issued to earlier validity holders. The petitioners are ready to face the consequence contemplated in the matter of Shweta Balaji Isankar (*supra*). We are of the considered view that they are entitled to receive validity certificates conditionally. We, therefore, pass following order :

ORDER

- 1) The writ petitions are partly allowed. The impugned orders are quashed and set aside. The respondent- committees shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe. The validities shall be co-terminus with the validities of the earlier validity holders.
- 2) The petitioners shall not claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]