



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9779 OF 2024

SAKSHI D/O NAGANNA GANGULWAR

VERSUS

1. THE STATE OF MAHARASHTRA THR. ITS SECRETARY
2. SCHEDULED TRIBE CERTIFICATE VERIFICATION COMMITTEE,
KINWAT HQ. CHH. SAMBHAJINAGAR

...

Advocate for the Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondents: Mr. R.S. Wani

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

DATE : **10.09.2024**

PER COURT (SHAILESH P. BRAHME, J.) :

Heard both sides finally considering the exigency for the petitioner.

2. The petitioner is assailing the judgment and order dated 29.08.2024 invalidating her tribe certificate of scheduled tribe 'Mannervarlu'. She seeks to rely upon validity certificates of her paternal uncle Venkat, Dnyaneshwar, Anupama, Aarti and one Shivam. Learned advocate for the petitioner submits that Shivam and Aarti were issued with validity certificate in pursuance of the order passed by the High Court. She would refer to the genealogy which is at page No.183 to demonstrate that there is blood relation in between the petitioner and Shivam, Aarti and other validity holders.

3. He would submit that as the validity certificates were issued after following due procedure of law, in view of judgment of Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.; 2023 SCC Online SC 326**, petitioner is also entitled to receive validity certificate. It is further submitted that the petitioner is ready to run the risk in view of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.; WP No.6320/2017**, and therefore conditional validity should have been issued to her.

4. Learned AGP supports the impugned judgment and order. He would submit that the relationship of the petitioner with earlier validity holders namely Shivam and Aarti is disputed. He would advert our attention to the genealogies given by petitioner, Shivam and Venkat to demonstrate that there is doubt about their relationship with the validity holders. It is further submitted that the Scrutiny Committee has rightly discarded validity certificates of Venkat, Anupama and Dnyaneshwar. By suppressing material information, the validities were procured and hence they are not reliable.

5. We have considered the rival submissions of the parties. We have also gone through original papers of Venkat. The relationship of the petitioner with Venkat who is paternal uncle of petitioner has not been disputed. In case of Venkat there was vigilance inquiry conducted and report was submitted. It has been reported that he had withstood the

affinity test. Thereafter by speaking order he was issued with validity certificate.

6. It further reveals from record that Shivam was issued with validity certificate in pursuance of orders passed by our bench in Writ Petition No.8820/2024 on 23.08.2024. Even Aarti Suresh Ganglod was also issued with validity certificate vide our order dated 10.07.2023 in Writ Petition No.8840/2021. These validity holders are figuring in the genealogy which is pointed out by the learned counsel for the petitioner. The scrutiny committee did not entertain any doubt about the relationship of the earlier validity holders with the petitioner. Therefore the submission of learned AGP raising doubt over the relationship of petitioner with validity holders, cannot be accepted.

7. It is, therefore, contended by the learned AGP that surnames of earlier validity holders are different. The scrutiny committee did not comment on this aspect of the matter. For the first time in High Court this submissions cannot be entertained. Apparently, the validity certificates issued to Venkat, Aarti and Shivam can enure to the benefit of the petitioner as they were issued after following due process of law as contemplated by the law laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat** (supra).

8. Pertinently, the vigilance report which was prepared in the

matter of Shivam was permitted to be adopted by the petitioner by the Committee. This aspect has been expressly recorded by the Committee in the impugned order. No objection was raised for the petitioner to adopt the vigilance inquiry report of Shivam. This is also one of the reasons why we are not approving the submission of the learned AGP in respect of suspicion raised for the relationship of the petitioner with the earlier validity holders.

9. It reveals from record that the validity certificate of Venkat was discarded by the Committee on the ground that an order of invalidation in the matter of Hanumant was suppressed. Admittedly Hanumant is the father of Shivam who has been issued validity certificate in pursuance of the order passed by the High Court. Hence the petitioner is blood relative of Shivam.

10. It also reveals that selfsame record has already been scrutinized on earlier occasion. The Committee has issued show cause notices to the earlier validity holders. Unless their validities are revoked the petitioner cannot be denied the same social status. The petitioner is ready to face the consequences in view of **Shweta Balaji Isankar** (supra). We deem it appropriate to issue validity to certificate conditionally.

11. The writ petition is partly allowed. The impugned order dated 29.08.2024 is quashed and set aside. The respondent - committee

shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlu*' scheduled tribe, which shall be coterminous with validities of the earlier validity holders.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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