



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.9686 OF 2024

Akshay Devidas Kasbewad

... 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 Sambhajanagar  
through its Deputy Director (R)  
and Member Secretary, Near  
Saint Lawrence High School Town Centre,  
CIDCO, Chhatrapati Sambhajanagar  
Dist. Chhatrapati Sambhajanagar

... **RESPONDENTS**

Advocate for petitioner : Mr. Thorat Chandrakant R.  
A.G.P for respondent/State : Mr. S.P. Joshi

**CORAM**

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

**DATE**

: **05.09.2024**

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

The petitioner is challenging the order of the respondent No.2 – Scrutiny Committee in a proceeding under Section 7 of the Maharashtra Act No.XXIII of 2001 refusing to validate his ‘Mannervarlu’ scheduled tribe certificate.

2. Considering the urgency being demonstrated, with the consent of both sides, the matter is heard finally at the stage of admission.

3. As is mentioned in the impugned order itself, the petitioner's father– Devidas possesses certificate of validity issued on 11.12.2007. The Committee on his own has also observed that apart from the father there are other three blood relatives namely Keshav Narayan Kasbewad (05.09.2006), Madhav Narayan Kasbewad (07.10.2010) and Ankesh Vyankatrao Kasbewad (11.08.2010). Though the Committee does not seem to have undertaken any scrutiny of the circumstances on the basis of which petitioners father Devidas was able to secure the certificate of validity and has merely referred to the file of Keshav Narayan Kasbewad, perhaps because he is the first validity holder in the family. Committee is refusing to extend its benefit on the ground that Keshav had obtained certificate of validity based on the validities of the individuals who were not related to him by blood from the paternal side, and the petitioner could not be extended the benefit in the light of observations of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**;2023 SCC Online SC 326. The other reason being quoted for discarding the validities is regarding non-disclosure of three contrary school records of the petitioner's two uncles and one cousin uncle, wherein, they have been described in the school register as 'Manurwar' when they were admitted in the schools between 1976 to 1978.

4. Keshav's original file of the scrutiny committee is made available to us for being inspected. He was held entitled to have a

certificate of validity by following due process of law. A vigilance inquiry was conducted and by a reasoned order he was held entitled to have a certificate of validity. True it is that even the validities of some individuals were referred to and relied upon while holding him entitled to have a certificate of validity. Though the order merely refers to them as relatives, the vigilance inquiry report clearly mentions that these individuals Giribala Madhavrao Bondle, Sheshrao Gauraji Perke and Shivaji Sambhaji Maldode were related to Keshav from the maternal side. It is, therefore, apparent that while holding Keshav entitled to have certificate of validity, the Committee was aware that these individuals, whose validities Keshav was relying upon, were related to him not by blood but from maternal side. If such is the state of affairs, in our considered view, validity of Keshav is sufficient to extend its benefit to the petitioner applying the parameters laid down in paragraph No.22 of the **Maharashtra Adiwasi Thakur Jamat** (supra).

5. Even if the Committee is of considered view that Keshav and other validity holders had obtained the validities by resorting to fraud, we cannot undertake objective scrutiny of the basis on which such inference has been drawn as it is likely to cause prejudice to them. The fact remains that they still hold certificates of validity and till the time the Committee is able to confiscate and cancel those validities, the petitioner cannot be denied the benefit of having a validity.

6. The writ petition is allowed partly.
7. The impugned judgment and order dated 03.09.2024 passed by respondent no. 2 / Scrutiny Committee is quashed and set aside.
8. Since the petitioner is required to submit the certificate of validity to secure the admission today itself and has been allotted Government College at Nanded, the respondent No. 2 – Scrutiny Committee shall immediately issue the certificate of validity to the petitioner as belonging to ‘Mannervarlu’ scheduled tribe in the prescribed proforma.
9. The validity shall be co-terminus with the validity of the earlier holders.
10. The petitioner shall not claim equity.
11. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**