



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9925 OF 2024

Vaishnavi D/o Balaji Ganthod,
Age : 18 years, Occu. : Student,
R/o. : Jarikot, Post : Jarikot,
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,
Through its
Deputy Director (Research) and
Member Secretary,
Near Saint Lawrence High School,
Town Centre, CIDCO, Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar

.. Respondents

...
Advocate for petitioner : Mr. Chandrakant R. Thorat
AGP for the respondent – State : Mr. R.S. Wani
...

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

DATE : 20 SEPTEMBER 2024

ORDER (MANGESH S. PATIL, J.) :

Petitioner who claims to be belonging to 'Mannervarlu' scheduled tribe and possesses caste certificate to that effect, is taking exception to the judgment and order dated 05-09-2024 of the respondent no. 2 - scrutiny committee constituted under the

Maharashtra Act No. XXIII of 2001, refusing to validate her tribe certificate.

2. We have heard both the sides.

3. Admittedly, as has been mentioned in the order under challenge itself, petitioner's blood relatives - Shivling Laxmanrao Ganthod and Hanmant Laxmanrao Ganthod possess certificates of validity. Though the committee, for the reasons mentioned in the order under challenge, has given certain circumstances to substantiate its inference of these two individuals having obtained certificates of validity by resorting to fraud, it would be an independent matter, which will have to take its own course, beginning with issuance of show cause notices to the validity holders. Undertaking any objective scrutiny of the circumstances being relied upon by the committee in this proceeding, behind their back, would be prejudicial to their interest. It can happen in an appropriate proceeding. We, therefore, avoid indulging in scrutinizing the observations of the committee in that regard.

4. Admittedly, Shivling and Hanmant were issued with certificates of validity after conducting a thorough vigilance enquiry. Even, as is being pointed out, in the order under challenge, contrary record being relied upon by the present committee was revealed during vigilance enquiries of both those individuals, as can be noticed from the

vigilance reports in their matters wherein the school and birth record of same blood relatives were describing them as 'Munurvar', 'Munurvad' and still the predecessor of the respondent no. 2 committee had, by a reasoned order, held them entitled to have certificates of validities.

5. Pertinently, the earlier orders of invalidities, in the matters of Shivling and Hanmant were subject matter of challenge before this Court. In writ petition no. 2441 of 2006 by order dated 15-02-2007 and in writ petition no. 1640 of 2003 by order dated 15-02-2007, respectively, the matters were remanded for decision by the committee afresh and it is thereafter that by reasoned orders, they were held entitled to have certificates of validity.

6. We have no manner of doubt in holding that both were issued with certificates of validity by following due process of law.

7. These being the parameters laid down in the matter of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioner who is 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)***, deserves to be issued with a certificate of validity subject to usual conditions.

8. The writ petition is partly allowed.

9. The impugned judgment and order dated 05-09-2024 passed by respondent no. 2 – Scrutiny Committee is quashed and set aside.
10. Respondent no. 2 – Scrutiny Committee shall immediately issue tribe certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed proforma.
11. The validity certificate of the petitioner shall be co-terminus with the validity certificate of the blood relative of the petitioner who are facing reverification.
12. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/