



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9879 OF 2024

1] Samiksha Parasram Pokale,
Age : 19 years, Occu. Education,
R/o. Telangwadi, Tq. Kandhar,
Dist. Nanded

2] Sakshi Parasram Pokale,
Age : Minor, Occu. Education,
Under Guardian of Father
Parasram Ramji Pokale,
Age : 44 years, Occu. Service,
R/o. Telangwadi, Tq. Kandhar,
Dist. Nanded

.. Petitioners

Versus

The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32 and another

.. Respondents

...
Advocate for petitioners : Mr. Pratap V. Jadhavar
Addl.GP for the respondent – State : Mr. P.S. Patil
...

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

DATE : 09 SEPTEMBER 2024

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

The petitioners who are siblings, are challenging the common order of the respondent no. 2 - scrutiny committee, whereby it has refused to validate their 'Mannervarlu' scheduled tribe certificates.

2. Learned advocate for the petitioners submits that their father - Parasram possesses a certificate of validity and so does their second degree cousin - Kondiba Vitthal Pokale and Gangadhar Vitthal Pokale who all were issued with certificates of validity by following due process of law. Vigilance enquiry was conducted in the matter of Parasram and by a reasoned order, he was issued with a certificate of validity in the year 2005. Even if the committee has now formed an opinion and alleges about he having obtained validity by concealing contrary record and even by resorting to manipulation and has decided to undertake review of his validity, till the time his certificate of validity is not confiscated and cancelled, the petitioners cannot be deprived of the benefit. They are ready to run the risk of suffering the consequences as spoken about in the matter of ***Shweta Balaji Isankar Vs. State of Maharashtra and others (writ petition no. 6320 of 2017)*** and may be granted certificate of validity co-terminus with the validity of their father - Parasram.

3. Learned AGP submits that the committee has assigned cogent and plausible reasons, in not extending benefit of father's validity and the committee having decided to review his matter. He would also submit that as mentioned by the committee in the impugned order, there is contrary record of the petitioners' blood relatives wherein they have been described as 'Munurvar', Munurvarelu' and

'Munnervarlu'. The committee also noticed that petitioners' father - Parasram had obtained the validity on the basis of validities of couple of individuals not related to him by blood. Even Kondiba had in the same fashion obtained the validity relying upon the validities of persons not related to him.

4. We have considered the rival submissions and perused the papers.

5. Admittedly, petitioners' father - Parasram possesses validity issued to him in the year 2005.

6. Even if the committee has now decided to re-open his validity on the premise that he had resorted to fraud, we cannot undertake objective scrutiny of the grounds leading to drawing of such inference, for, in our view, it would be inappropriate to do so behind his back.

7. Needless to state that the committee will have to resort to suitable proceeding and follow due process of law even for recalling Parasram's validity. Till the time the committee is unable to do so, his validity would remain legitimate.

8. Applying 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, Parasram was issued with a certificate of validity by following due process of law, inasmuch as the vigilance enquiry was conducted and a reasoned order was passed. More importantly, as mentioned in the remarks of the Research Officer, even he could get through the affinity test. Therefore, the petitioners are entitled to rely upon fathers' validity and they deserve to be issued with certificates of validity co-terminus with his validity.

9. The writ petition is allowed partly.

10. The impugned judgment and order dated 06-09-2024 passed by respondent no. 2 – Scrutiny Committee is quashed and set aside.

11. Since the petitioners are required to submit the certificates of validity to secure admission within stipulated period, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format.

12. The certificates of validity shall be co-terminus with the validity of Parasram Ramji Pokale.

13. The petitioners shall not claim equities.

14. 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

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