



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10363 OF 2024

1. Rushikesh Ramrao Mundkar
2. Vaibhavi Laxman Mundkar
3. Vaishnavi Laxman Mundkar

Versus

1. The State of Maharashtra Thr. it's Secretary Tribal Development Department, Mantralaya, Mumbai – 32
2. The Scheduled Tribe Certificate Scrutiny Committee, Kinwat Head Quarter, Chhatrapati Sambahjinagar, Thr. its Deputy Director ®

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Advocate for Applicant : Mr. Jadhavar Pratap V.
AGP for Respondent/State : Mr. S.P Joshi

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

DATE : **30.09.2024**

PER COURT :

Heard both the sides finally.

2. The petitioners Vaibhavi and Vaishnavi are real sisters *inter se* and petitioner Rushikesh is their first degree cousin. They are challenging the common judgment and order dated 18.09.2024, whereby, the Committee has refused to validate their 'Mannervarlu' scheduled tribe certificates.

3. We have heard both the sides finally at the stage of admission with consent.

4. Admittedly, Vaishnavi and Vaibhavi's father Laxman and Rushikesh's father Ramrao possess certificates of validity issued by the then Committee, whereas, petitioner Rushikesh's real brother Rajesh who had also faced a similar invalidation was found entitled to have a certificate of validity subject to usual condition by our order dated 01.09.2023 in Writ Petition No.2238/2024.

5. Even if the Committee has now made an attempt to demonstrate that the petitioners' fathers had obtained certificates of validity by concealing contrary record of 1955 of one Rajaram Chinanna stated to be petitioners' grandfather, wherein, he was described as 'Manervarlu', the Committee will have to undertake a due process of law even if it is of the view that they had obtained the validities by resorting to fraud. They are not before us and we do not intend to make any comment by undertaking objective scrutiny, of the inference drawn by the Committee touching the manner in which the fraud was practised. Let the Committee substantiate its inference by undertaking a due process of law.

6. The petitioners cannot be made to wait till the Committee takes its inference to the logical end at the cost of their careers. When Rajesh who is Rushikesh's brother has been held by this Court as entitled to have a certificate of validity subject to usual condition, it would be redundant to undertake fresh scrutiny of the selfsame evidence that was the basis for discarding Rajesh's claim.

7. The writ petition is allowed partly. The impugned order is quashed and set aside. The Committee shall immediately issue tribe validity certificate to the petitioners as belonging to '*Mannervarlu*' scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.

8. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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