

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10438 OF 2024

Anil S/o. Badansing Bhokan
Age: 25 years, Occu: Student
R/O Sawaldabra, tehsil. Soegaon
Dist. Chh. Sambhajanagar.

...Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai- 32,
Through its secretary.

2. The Scheduled Tribe Certificate Scrutiny
Committee, Chhatrapati Sambhajanagar,
Through its Member Secretary.

...Respondents

...
Advocate for Petitioner : Mr. Vivekanand U. Jadhav
AGP for Respondent/State : Mr. P.S. Patil

...
**CORAM : S.G. MEHARE AND
S.G. CHAPALGAONKAR, JJ.**

DATED : DECEMBER 05, 2024

ORDER :

1. Rule. Rule made returnable forthwith. Heard finally
with the consent of parties.

2. The petitioner has claimed the tribe validity certificate of
Naikda Scheduled Tribe. He had filed the requisite documents for
verification of validity certificate of blood relatives along with
genealogy. His blood relatives have been issued the caste validity.
The vigilance inquiry was conducted in respect of the petitioner.

However, respondent no.2 refused the caste validity on the ground that the petitioner failed to prove his tribe claim by way of documentary evidence. He failed to prove his affinity and ethnic linkage towards Naikda Scheduled Tribe.

3. Learned counsel for the petitioner would submit that Payal Bhagchand Bhokan, Vaishnavi Ganesh Bhokan and Dheerajkumar Motising Bhokan were issued the validity certificate pursuant to the orders of this Court. The petitioner is ready to face the consequences as contemplated in the case of Shweta Balaji Isankar Vs. The State of Maharashtra and Others in Writ Petition No.5611 of 2018. He would also submit that the petitioner is entitled to the validity certificate on parity.

4. Learned AGP supports the impugned judgment and order. He would argue that incompatible school record of the blood relatives of the petitioner was suppressed from the committee. The school record of the blood relatives were tampered. The show cause notice has been issued to the blood relatives, who have been issued the validity certificate. Therefore, the petitioner does not deserve the validity certificate.

5. Perused the papers and the impugned judgment and order. After going through the genealogy, it appears that there were four blood relatives having the validity certificate. Cousin brothers namely Shreyash, Dhirajkumar and Pawan and cousin sisters namely

Anvi, Vaishnavi and Payal are the validity holders. Vaishnavi was issued with the validity certificate vide order dated 26.07.2023 in Writ Petition No.8943 of 2023. In sum and substance, the validity certificate issued to the blood relatives of the petitioner were issued as per the High Court order. The certificates issued by the orders of the Court entitles to believe the petitioner's social status and denying such social status on the basis of the certificate issued as per the Courts order is arbitrary. Reverification of the validities issued is underway. The committee has powers to reconsider the incompatible or tampered school record during reverification. Revocation of the earlier validities is no ground to refuse the same social status to the petitioner. The petitioner is ready to face the consequences as pronounced in the case of Shweta Balaji Isankar (supra). In view of this set of facts, we feel it appropriate to allow the petition. Hence, the following order :

ORDER

- (I) Writ Petition is partly allowed.
- (II) The impugned judgment and order of respondent no.2 dated 18.09.2024 is quashed and set aside.
- (III) The Scrutiny Committee shall immediately issue the tribe validity certificate to the petitioner belonging to the 'Naikda' Scheduled Tribe in prescribed proforma.

(IV) The validity shall be co-terminus with the validity of the earlier validity holders.

(V) The petitioner shall not claim equity.

(VI) Learned AGP shall ensure that the decision is immediately communicated to the Committee.

(VII) Rule is made partly absolute in above terms.

(S.G. CHAPALGAONKAR, J.)

(S.G. MEHARE, J.)