



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10868 OF 2024

AMOL S/O GANGADHAR PALLEWAD

VERSUS

1. THE STATE OF MAHARASHTRA THR. SECRETARY DEPT. OF TRIBAL
DEVELOPMENT, MANTRALAYA MUMBAI – 32

2. SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE, KINWAT,
H.O. CHHATRAPATI SAMBHAJINAGAR THR.ITS MEMBER SECRETARY

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Advocate for the Petitioner : Mr. Deepak D. Choudhari and

Mr. Vijay G. Gangalwad

Addl. G.P for Respondent/State : Mr. P.S. Patil

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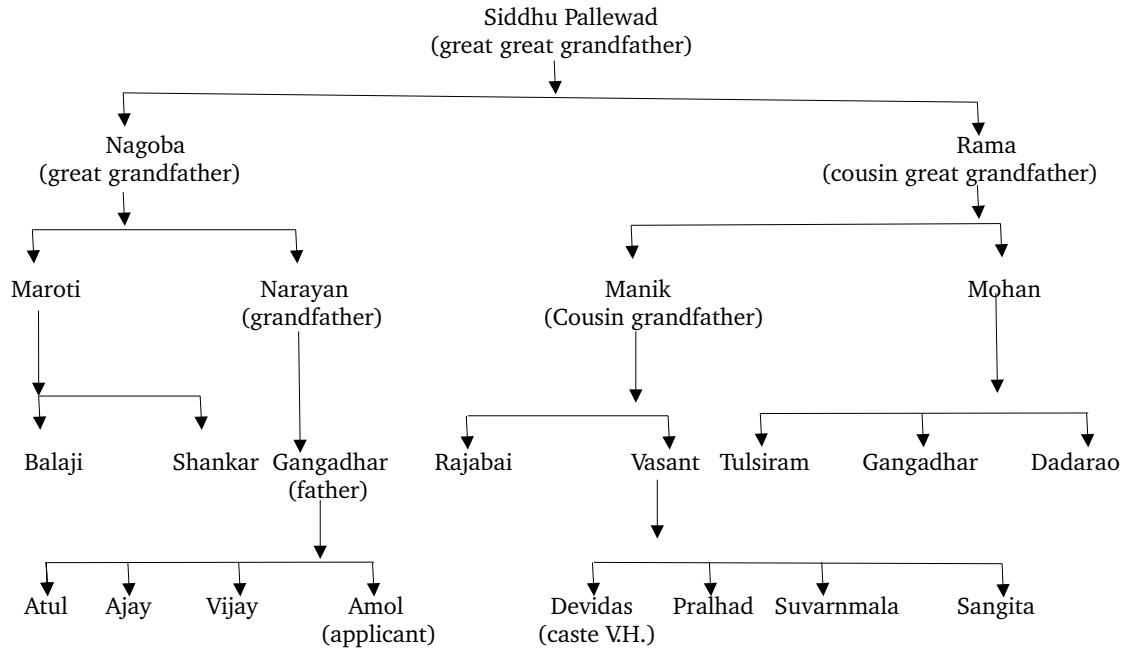
CORAM : **MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : **03.10.2024**

PER COURT:

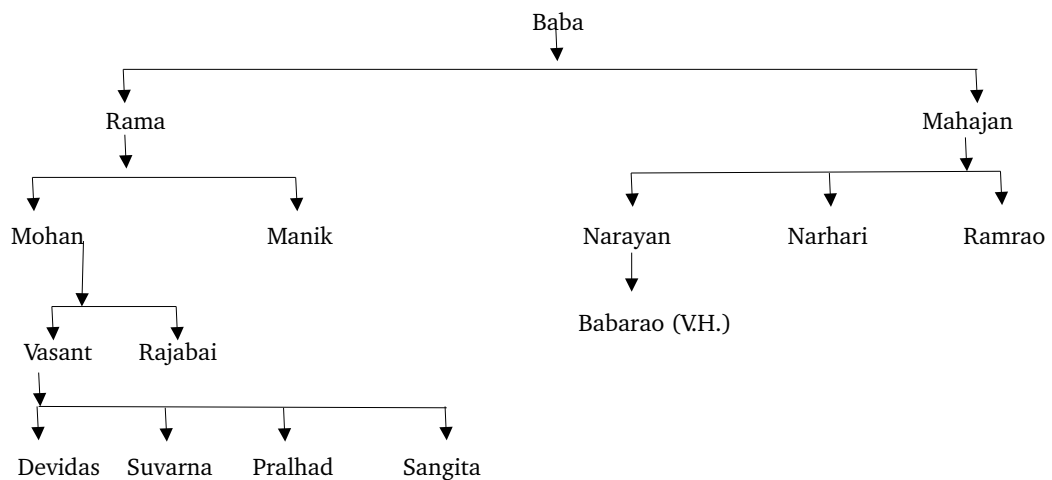
Heard both the sides finally at the stage of admission. The petitioner is challenging the order of respondent No.2 - Scrutiny Committee dated 12.09.2024 refusing to validate his 'Mannervarlu' scheduled tribe certificate.

2. We have heard both the sides for sufficient time and even perused the original file of Devidas Vasant Pallewad who is a validity holder and the petitioner is seeking to derive its benefit by giving following genealogy :



3. The Committee has proceeded on the premise accepting the stand of the petitioner about Devidas being his cousin, in all probability based on the affidavit of Devidas filed under Rule 11 of the Rules framed under the Maharashtra Act No.XXIII of 2001.

4. Perusal of the original file of Devidas reveals that he had given following genealogy :



5. Even if the committee seems to have proceeded without

actually undertaking scrutiny of both these genealogies which are apparently incompatible, since it is a matter of social status, we asked the learned advocate for the petitioner as to if he would want to go back to the Committee and substantiate his claim either relying upon Devidas's validity or independently, the learned advocate requested that the matter may be remanded.

6. In the light of the above, when even the Committee has apparently not taken into consideration the incompatibility of the genealogies furnished by the petitioner and the validity holder Devidas on whom he is resting his claim, the impugned order is liable to be quashed and set aside.

7. The writ petition is allowed partly. The impugned order is quashed and set aside. The petitioner shall appear before the Committee on 11.10.2024 and the Committee shall thereafter decide his proposal on its own merits by extending an opportunity of leading evidence, and if necessary by resorting to fresh vigilance inquiry.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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