



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12001 OF 2023

Gayatri Ramchandra Singanwad
and others .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Mahesh S. Deshmukh, Advocate a/w Shri S. S. Phatale,
Advocate for the Petitioners.
Mrs. P. J. Bharad, A.G.P. for the Respondent Nos. 1 and 2.

AND

WRIT PETITION NO. 12205 OF 2023

Bajrang Jairam Singanwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Mahesh S. Deshmukh, Advocate a/w Shri S. S. Phatale,
Advocate for the Petitioners.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 13 AUGUST 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally considering urgency in the matters.

2. We propose to decide both the petitions by common order as

the petitioners are blood relatives and there is common record for deciding their tribe claims. Both of them claim to be belonging to the Scheduled Tribe 'Mannervarlu'.

3. The tribe certificates of the petitioners in Writ Petition No. 12001 of 2023 were confiscated and invalidated by common judgment and order dated 12.09.2023. The tribe certificate of the sole petitioner in Writ Petition No. 12205 of 2023 was invalidated vide judgment and order dated 25.09.2023. These two judgments of the scrutiny committee are questioned before us.

4. Learned counsel for the petitioners submits that there is no dispute about the genealogy and the relationship of the petitioners with the validity holders. He refers to eight distinct orders of the High Court granting validities to the relatives appearing in the genealogy. He would submit that the self same record has already been considered by the Scrutiny Committee as well as High Court on different occasions. The petitioners are entitled to validity certificates.

5. Learned Assistant Government Pleaders would repel the submissions of the petitioners. They would submit that the relationship of the petitioners with the validity holders is disputed. There is suppression of earlier orders of invalidation. They would refer to order of remand dated 31.01.2023 passed in Writ Petition No. 318 of 2023. They would point out that the genealogy which is brought before the Committee did not disclose branch of Rajanna Gangaram Singanwad. Lastly, it is submitted

that school record of Dattattraya, Shankar, Laxman, Ram, Avdhut and Surekha was incompatible with the tribe claims.

6. The learned A. G. P. refer to the order dated 26.07.2024 passed by this Court in the matter of Yash Shrinivas Satelikar Vs. State of Maharashtra and another in Writ Petition No. 7720 of 2024 and order dated 24.07.2023 in the matter of Chaitanya D/o Sanjay Palekar Vs. The State of Maharashtra and others in Writ Petition No. 8531 of 2022.

7. We have considered rival submissions of the parties. Petitioners have annexed following judgment and orders passed by the coordinate benches of the High Court granting validity certificates to the respective petitioners, who are close relatives of the petitioners :

Sr. No.	Name of the Petitioner	Writ Petition number	Date of order
1	Vaishnavi Jairam Singanwad	W. P. No. 2075 of 2018	03.08.2018
2	Viabhav Jairam Singanwad	W. P. No. 8943 of 2018	03.08.2018
3	Sanket Bharat Singanwad	W. P. No. 8831 of 2019	31.07.2019
4	Venkatesh Jairam Singanwad	W. P. No. 12603 of 2021	18.11.2021
5	Ashwini Ashokrao Singanwad	W. P. No. 12603 of 2021	18.11.2021
6	Kanhaiya Prakash Singanwad	W. P. No. 13586 of 2021	21.07.2023
7	Aresh Ashok Singanwad	W. P. No. 10720	28.07.2023

		of 2019	
8	Dharmaji Maroti Singanwad	W. P. No. 10466 of 2019	28.07.2023

8. It is relevant to note that validity holder Sanket referred above is real brother of petitioner, Shradha. Another validity holder Aresh is real brother of the petitioner No. 3 Vishal. We have gone through the orders passed by the High Court in above matters. We find that self same record was considered. The validity certificates were granted subject to outcome of reverification. Unless the validity certificates are revoked, it is not possible to deny the same social status to all the petitioners.

9. The scrutiny committee did not entertain any doubt about the relationship of the petitioners with the validity holders. In one of the genealogies there is omission of branch of Rajanna Gangaram but that is too remote to infer any fraud. We, therefore, do not approve of the submissions of the learned A. G. P.

10. Though the school record of few relatives of the petitioners is shown to be incompatible with the tribe claims of the petitioners, at this juncture we cannot embark on an enquiry as to the effect of those entries on the petitioners' claims. The validities of the relatives of the petitioners are still intact. That would be the lookout of the scrutiny committee while conducting reverification. It is already been informed by the learned A. G. P. that Committee has issued show cause notices to the validity

holders.

11. The learned counsel for the petitioners is right in referring to **order dated 25.07.2023 in the matter of Bankam Balaji Maldode Vs. The State of Maharashtra and others in Writ Petition No. 9047 of 2020** to buttress his submissions that orders of invalidation do not operate as *resjudicata* and they are orders in persona.

12. The learned A. G. Ps. have referred to the judgment in the matter of **Chaitanya D/o Sanjay Palekar Vs. The State of Maharashtra and others** (supra). It is distinguishable on facts. In that matter, petitioner's father and uncle had suffered invalidation. Suppressing that, they had obtained tribe certificates and got those validities. A false affidavit was also filed. This type of brazen fraud is absent in the present cases. Similarly, the judgment cited in the matter of **Yash Shrinivas Satelika Vs. State of Maharashtra and another** (supra) is not applicable for the distinguishing features recorded in para No. 15 of the judgment.

13. The petitioners are ready to run the risk of facing consequences in view of the law laid down in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. We find that the impugned judgments and orders are liable to be quashed and set aside. We, therefore, pass following order :

O R D E R

- A. The writ petitions are allowed partly.
- B. The impugned common judgment and order dated 12.09.2023 and judgment and order 25.09.2023 passed by the respondent No. 2/Scrutiny Committee are quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue validity certificates of 'Mannervarlu' (Scheduled Tribe) to the petitioners immediately, which shall be subject to outcome of reverification of validity holders.
- D. The petitioners shall not be entitled to claim equities.
- F. The writ petitions are disposed of in above terms.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 24