



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11423 OF 2024

1] Ashish Santoshkumar Uppalwad,
Age : 19 years, Occu. Education,
R/o. Shivangaon, Tq. Umri,
Dist. Nanded

2] Omkreshwar Santoshkumar Uppalwad,
Age : 21 years, Occu. Education,
R/o. Shivangaon, Tq. Umri,
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
AGP for the respondent – State : Mr. R.S. Wani
...

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

DATE : 11 OCTOBER 2024

ORDER (MANGESH S. PATIL, J.) :

The petitioners are challenging the common order of the respondent no. 2 – committee, refusing to validate their 'Mannervarlu' scheduled tribe certificates.

2. We have heard both the sides finally at the stage of admission.

3. There is no dispute about genealogy. Admittedly, petitioner's uncle - Dnyaneshwar Vitthalrao Uppalwad possesses a certificate of validity. Even petitioner's many other distant blood relatives possess certificates of validity. In fact, one Mahajan Ramji Uppalwad was issued with a certificate of validity by Divisional Commissioner, Aurangabad in an appeal on 09-12-1982, before the decision in the matter of ***Ku. Madhuri Patil v. Additional Commissioner and Ors., AIR 1995 SC 94*** for a detailed reasons recorded therein. Subsequently, Abhishek, Mayuri, Pallavi and Dhananjay have also been issued with certificates of validity. Abhishek and Dhananjay were held entitled to have it by order of this Court in writ petition no. 10491 of 2019. Even we have held one Dhanshri Balaji Uppalwad (writ petition no. 10901 of 2024 – order dated 08-10-2024) entitled to have a certificate of validity who is also related to the petitioners by blood.

4. Even if the committee has now attributed fraud on the part of validity holders – Dnyaneshwar Vitthal Uppalwad, Ashwini Sambhaji Uppalwad, Sambhaji Mahaji Uppalwad, Meera Vitthal Uppalwad, Mahesh Sambhaji Uppalwad who are the validity holders related to the petitioner by blood, about having obtained certificates of validity by practising fraud, till the time all these validities are not recalled by following due process of law, those would be valid and the petitioners would be entitled to derive the benefit, more so, when, as is submitted by their learned advocate, they are ready to run the risk of facing the

consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017).

5. The writ petition is partly allowed.
6. The impugned order is quashed and set aside.
7. The respondent - committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe. The validities shall be co-terminus with the validities of earlier validity holders.
8. The petitioners shall not claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/