



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 12059 / 2023

Akshay Gangadhar Pupalwar,
Age 20 years, Occu. Student,
R/o: Kundalwadi, Tq. Biloli,
Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe
Certificate Scrutiny Committee,
Kinvat, Head Quarter, Aurangabad
Through its Deputy Director (R).

...Respondents

— — —

Mr. P.V. Jadhavar, Advocate for the Petitioners.

Mr. D.R. Korde, AGP for Respondents/State.

— — —

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

DATE : 10 JULY 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides.

2. The cause of action to prefer this writ petition is the invalidation and confiscation of the tribe certificate of the petitioner by the Scrutiny Committee vide judgment and order dated 06.09.2023. Petitioner claims parity in view of the validity certificates issued to his real brother Akash

and cousins Shalini, Balaji and Sandhyarani. It is submitted that Akash Balaji and Sandhyarani have been issued with tribe validity certificates by the judgment and orders passed by this Court. Shalini was also issued validity certificate by the Scrutiny Committee after conducting vigilance inquiry. All these certificates would enure to the benefit of the petitioner.

3. Learned AGP would support the impugned judgment and order. He would submit that the validity certificates of the paternal side relatives of the petitioner were procured suppressing contrary entries of Bhumanna, Linganna, Hemlata, Hanumant and Shankar. It is further submitted that previously tribe certificate of Bhumanna was invalidated. It is further submitted that the paternal side relatives of the petitioner had stated in the affidavit while executing the conveyance of the agricultural land that they were not belonging to scheduled tribe. On this ground, the learned AGP prays to dismiss the petition.

4. We have considered submissions of both the sides. The petitioner has produced genealogy indicating his relationship with the validity holders. The same has not been disputed in the impugned judgment and order. Akash is the real brother of petitioner who has been issued with validity certificate by order dated 28.08.2023 passed in Writ Petition No. 13603/2019, on certain conditions. Similarly cousins of the petitioner Sandhyarani and Balaji were also issued with validity certificates by common judgment and order dated 27.07.2023 by the High Court in Writ Petition No.7175/2023. Record further reveals that another cousin of the petitioner, Shailini was issued with validity certificate by the Scrutiny

Committee after considering a vigilance report. We are of the considered view the validity certificates of the brother and the cousin of the petitioner would enure to his benefit. He is entitled to receive validity certificate on certain conditions.

5. Though learned AGP has referred to contrary entries as well as invalidation of tribe certificate of Mohan, the selfsame record has already been considered, not only by the Scrutiny Committee, but by High Court on previous occasions. It would be discriminatory to deny social benefit to the petitioner. In this view of the matter, we find that impugned judgment and order is wholly unsustainable. We, therefore, pass following order.

ORDER

- I. The impugned judgment and order is quashed and set aside.
- II. The respondent no.2/Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' scheduled tribe to the petitioner forthwith.
- III. The validity certificate shall be subject to outcome of the re-verification of the earlier validity certificates, proposed by the Scrutiny Committee.
- IV. The petitioner shall not claim equities.
- V. The Writ Petition is allowed partly in above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

Ngjeeb..