



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11836 OF 2024

Mohan Chandrakant Shettiwar,
Age : 29 years, Occu : Student,
R/o : A/p Arjapur, Tq. Biloli,
Dist. Nanded

... Petitioner

Versus

The State of Maharashtra
through its Secretary and Others

... Respondents

...
Advocate for petitioner : Mr. Madhur A. Golegaonkar
Addl. GP for the respondent – State : Mr. P.S. Patil
...

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

DATE : 23 OCTOBER 2024

ORDER (MANGESH S. PATIL, J.) :

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

2. Respondent no. 2 – committee, by the order under challenge, has refused to validate petitioner's 'Mannervarlu' scheduled tribe certificate on the basis of some contrary record and taking exception to the validity certificate possessed by one Lalu Sanganna Shettiwar on the ground of he having practised fraud on the committee while obtaining the certificate of validity.

3. Let the committee undertake such process and take it to the logical end. However, till the time it is able to do so, Lalu having been issued with a certificate of validity, by following due process of law, and there is no dispute about he being related to the petitioner, being a first degree cousin, the petitioner is entitled to have a certificate of validity co-terminus with Lalu's validity.

4. Incidentally, petitioner's real brother – Dattatraya and another first degree cousin – Rahit Ramesh were before this Court, similarly aggrieved by invalidation of their tribe claims and by the orders in writ petition no. 7499 of 2018 (order dated 23-07-2018) and writ petition no. 2619 of 2018 (order dated 24-07-2018), they were held entitled to have certificates of validity expressly directing that those certificates would be subject to the final outcome of Lalu's matter which the committee has decided to re-open.

5. For last more than 6 years, the committee has not been able to undertake that process and Lalu's validity is still in operation. The petitioner is entitled to have a similar certificate of validity subject to the same conditions.

6. The writ petition is partly allowed.

7. The impugned judgment and order dated 11.10.2024 passed by the respondent No.2 – Scrutiny Committee is quashed and set aside.

8. The respondent No.2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed proforma.

9. The validity certificate of the petitioner shall be co-terminus with the validity certificates of the blood relatives of the petitioner who are facing reverification. The order having dictated in presence of the learned AGP and the Law Officer of the Committee, they shall immediately communicate this order to the Committee.

10. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/