



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11965 OF 2024

SHRINIVAS S/O KISHAN YAMALWAD

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY TRIBAL
DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI
2. THE SCHEDULED TRIBE CASTE CERTIFICATE
VERIFICATION COMMITTEE, KINWAT, HQ. CHH. SAMBHAJI NAGAR
THR. DY. DIRECTOR (R) DIST. CHH. SAMBHAJI NAGAR

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Advocate for the Petitioner : Mr. Chinchole Ghanshyam K.
Addl.G.P. for Respondents: Mr. P.S. Patil

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

DATE : **25.10.2024**

PER COURT:

Heard both the sides.

2. The petitioner is challenging the order of respondent No.2 –
Committee refusing to validate his ‘Mannervarlu’ scheduled tribe
certificate.

3. Our attention is adverted to the genealogy furnished by the
petitioner demonstrating *inter alia* that apart from his father and real
paternal uncle Kishan and Nagorao respectively, who possess certificates
of validity from the branch of his great grandfather Maruti Laxman
through his another son Ramchandra, Ramchandra’s son Ananda and his

sons Yogesh and Akshay and their real sister Ashwini possess certificates of validity.

4. Though the learned AGP strenuously submits that irrespective of absence of any observation in the order under challenge, there is a doubt about the genealogy being relied upon by the petitioner. He would advert our attention to the vigilance inquiry conducted in the matter of Ashwini who is the first validity holder. Statement of her father Anandrao, wherein, he had stated that he had only one paternal uncle by name Maruti and Maruti has only one son Vitthal and three daughters Manjulabai, Padminibai and Mahadabai. The petitioner is demonstrating that his grandfather Vikram as another son of Maruti. Learned AGP would submit that however subsequently Ananda has changed this version and has stated that the only son of Maruti his uncle was Vikram and not Vitthal.

5. Be that as it may, the Committee has not entertained any doubt about the petitioner being related to all the aforementioned validity holders including Ananda and his three children. Rather while holding his sons Yogesh and Aksay entitled to have certificates of validity in Writ Petition No.7994/2024 and Writ Petition No.7995/2024 by the order dated 20.08.2024 both were held entitled to have validities simultaneously referring to the validities of present petitioner's father Kishan and that of his paternal uncle Nagorao.

6. In the light of above, the petitioner also deserves to be issued

with a certificate of validity with the same conditions as was imposed in the matter of Yogesh and Akshay.

7. The writ petition is partly allowed.
8. The impugned judgment and order dated 22.10.2024 passed by the respondent No.2 – Scrutiny Committee is quashed and set aside.
9. 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.
10. 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.
11. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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