

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13436 OF 2024

1. Vaishanavi Govind Baynewad
Age : 21 years, Occu : Student,
R/o. Talbil, At. Post. Ghungaral, Tq. Naigaon (Kh)
Dist. Nanded.

2. Vivek S/o Govind Baynewad
Age : 19 years, Occu. : Student,
R/o. Talbil, At. Post. Ghungaral,
Tq. Naigaon (Kh), Dist. Nanded.

..Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate
Verification Committee, Kinwat
Headquarter Chhatrapati Sambhajinagar,
Through its Deputy Director (Research)
and Member Secretary,
Chhatrapati Sambhajinagar
Dist. Chhatrapati Sambhajinagar.

..Respondents

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Advocate for the Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondent/State : Mr. S.R. Yadav Lonikar

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**CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATED : DECEMBER 10, 2024

JUDGMENT :

1. Rule. Rule is made returnable forthwith and heard finally with the consent of parties.

2. Being aggrieved by the common judgment and order dated 29.11.2024 passed by respondent no.2/Scrutiny Committee invalidating the tribe claim of the petitioners, the present petition is filed. The petitioners are the siblings and children of Govind Baynewad. They are relying on the validity certificates issued to their father Govind Gangadhar Baynewad and uncle Shankar Gangadhar Baynewad. They are relying upon the selfsame school record which has already been verified in case of their father and uncle.

3. Learned counsel for the petitioners submits that in case of the petitioners' father Govind who is the first validity holder, vigilance inquiry was conducted. He withstood the affinity test and by a reasoned order, he was issued with the validity certificate. Relying on that validity certificate, petitioners' uncle Shankar was also issued with the validity certificate. These validities were issued by following the due procedure of law and they are reliable. It is further submitted that the selfsame record was already considered by the Committee. On the ground of parity, the petitioners are entitled to the validity certificates. It is further submitted that the petitioners are ready to abide by the judgment of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors** in Writ Petition No.5611 of 2018.

4. Learned AGP supports the impugned judgment and order. He would submit that there is incompatible school record of the blood

relatives of the petitioners. For that purpose, our attention is adverted to the chart which is at page no.66 of the impugned judgment. The school record of the petitioners' father Govind, Aunt Girjabai, uncle Banaras and Shankar was found to be tampered. Besides that, it is submitted that the Committee is justified in discarding the validity certificates because Govind was issued with the validity certificate banking upon the validities of the maternal side relatives. He would submit that a plausible and reasonable view has been taken by the Committee and no interference is called for.

5. We have considered the rival submissions of the parties and we have gone through the relevant papers.

6. The petitioners are relying on the validities of their father Govind and uncle Shankar. In case of Govind, vigilance inquiry was conducted and the school record was verified. We have gone through the vigilance report which shows that already school entries of Shankar of 1976, Girjabai of 1980, Govind of 1980 and Shivanand of 1970 were verified and found to be of 'Mannervarlu'. Pertinently, Govind had withstood the affinity test. By a reasoned order, he was issued with the validity certificate. Relying on his validity, Shankar was also issued with the validity certificate by a distinct order by the Committee. Apparently, the validities are issued after following the due procedure of law and they would be reliable in view of the

judgment of the Hon'ble Supreme Court in the matter of **Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Others**, 2023 SC Online SC 326.

7. We have gone through the incompatible school record which is pointed out by the learned AGP. The selfsame record was already considered by the Committee in granting validity certificate to the petitioners' father. Unless the validity of Govind or Shankar is recalled, the petitioners cannot be deprived of the same social status. It is informed that the Committee has issued show cause notices to Govind and Shankar. It would take some time to conclude the reverification proposed against them. The petitioners cannot be made to wait till final conclusion of reverification.

8. Govind was issued with the validity certificate relying on the maternal side relatives. Shankar was issued with the validity certificate by the Committee of which Mr. Shirurkar was the member. However, these aspects of the matter can very well be taken into account by the Committee while conducting reverification. It would be open for the Committee to undertake a scrutiny to find out as to whether there is any fraud or not granting earlier validities. We have already recorded that the petitioners cannot be deprived of the same social status. They are ready to abide by the judgment rendered in the case of Shweta Balaji Isankar (supra). We are of the considered

view that the petitioners are entitled to conditional validity. We find that the impugned judgment and order is unsustainable. We, therefore, pass the following order :

ORDER

- (i) Writ Petition is allowed partly.
- (ii) The impugned judgment and order passed by respondent no.2/Scrutiny Committee dated 29.11.2024 is quashed and set aside.
- (iii) The respondent no.2/Scrutiny committee shall issue the tribe validity certificate to the petitioners forthwith and it would be subject to the outcome of reverification proposed by the respondent no.2/Scrutiny Committee.
- (iv) The petitioners shall not claim any equity.
- (v) Rule is made partly absolute in above terms.

(SHAILESH P. BRAHME, J.)

(S.G. MEHARE, J.)