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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

43 WRIT PETITION NO. 90 OF 2025

Aditya Yadav Totawad
Minor, thr. his guardian father
Yadav Shankarrao Totawad

VERSUS

1. The State of Maharashtra,
thr. its Secretary
Tribal Development Department,
Mumbai
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Aurangabad

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Mr A. D. Sonkawade, Advocate h/f Mr S. G. Jayewar, Advocate for
petitioner
Ms S. S. Joshi, A.G.P. for respondents/State

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 6th January, 2025

PER COURT:

1. The petitioner is challenging the order of invalidation dated 09/12/2024 passed by respondent No.2/scrutiny committee, refusing to validate his 'Mannervarlu' Scheduled Tribe category certificate.

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2. We have heard both the sides.

3. The parties are *ad idem* that petitioner's claim was decided after he was allowed to adopt the response given by his distant uncle from paternal side Mr Shivaji Rajendra Totawad to the vigilance report in his own favour. Shivaji had suffered invalidation and in Writ Petition No.8531/2021, by the order dated 25/09/2024, his petition was allowed partly and directed to be issued with the certificate of validity subject to the usual conditions.

4. Learned advocate for the petitioner submits that even the petitioner is ready to suffer consequences contained in **Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, (2017) 8 SCC 670** and **Shweta Balaji Isankar vs. The State of Maharashtra and others, 2018 SCC OnLine Bom 10363**.

5. Since the set of evidence which was subjected to the scrutiny by the scrutiny committee in the matter of Shivaji Rajendra Totawad, who was before this Court and this Court had an occasion to examine sustainability of the order in his matter on the touchstone of

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the evidence, which is the same even in the petitioner's matter, no independent and separate exercise needs to be undertaken.

6. The writ petition is allowed partly. The impugned judgment and order is quashed and set aside. The committee shall immediately issue a validity certificate of 'Mannervarlu' Scheduled Tribe category in the prescribed format to the petitioner, which shall be co-terminus with the validity of Sayanna Totawad. The petitioner shall not be entitled to claim any equities.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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