



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

WRIT PETITION NO.1368 OF 2025

Sanjay s/o Nagorao Isankar,
Age : 31 years, Occupation :
Service (Tax Assistant),
R/o At. Ganipur, Post. Somthana,
Tq.Umri, Dist. Nanded.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through its Secretary.
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Commissioner of State Tax,
Goods and Services Tax Department,
Maharashtra State, Mumbai.
8th Floor, GST Bhavan, Mazgaon,
Mumbai.
3. Special Commissioner of State Tax,
Goods and Services Tax Department,
Maharashtra State, Mumbai,
3rd Floor, GST Bhavan, Mazgaon,
Mumbai.
4. Joint Commissioner of State Tax,
Goods and Services Tax Department,
Maharashtra State, Mumbai,
3rd Floor, GST Bhavan, Mazgaon,
Mumbai.
5. Scheduled Tribe Certificate Verification
Committee, Kinwat,
Headquarter Chhatrapati Sambhajanagar.

Plot No.265, N-1, Sector C, Town Center,
Beside Kala Ganpati Temple,
Jalgaon Road, CIDCO,
Chhatrapati Sambhajanagar.
Through its Deputy Director (Research)
and Member Secretary.

...RESPONDENTS

...
Shri C.R. Thorat, Advocate for the Petitioner.
Shri V.M. Kagne, AGP for Respondent Nos.1 to 5/State.
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**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 20th February, 2025.

JUDGMENT (Per Prafulla S. Khubalkar, J.) :-

Heard advocate Shri C.R. Thorat, for the petitioner
and advocate Shri V.M. Kagne, learned AGP for the respondents/
State.

2. Rule. Rule made returnable forthwith and heard
finally by consent of parties.

3. The petitioner has taken exception to the order dated
22.01.2025 passed by respondent No.5 Scrutiny Committee
invalidating his claim for 'Mannervarlu', Scheduled Tribe.

4. By the impugned order, respondent No.5 Scrutiny

Committee inferred that the petitioner has failed to establish his claim on the basis of documentary evidence as well as on account of failure to prove affinity with 'Mannervarlu' tribe. The Committee has although referred to validity certificates relied upon by the petitioner, however, they are discarded by observing that same cannot be conclusively relied upon.

5. Advocate Shri Thorat for the petitioner has vehemently submitted that the petitioner's claim is liable to be validated in view of validity of his real brother Sambhaji Nagorao Isankar. It is submitted that the validity was granted to Sambhaji by relying upon validities in favour of Avinash Madhavrao Isankar and Ramdas Sambhaji Isankar, who are paternal side cousin brothers of the petitioner and Sambhaji. It is submitted that the validity of Sambhaji is in force and the petitioner is entitled to rely upon it. The reasoning of the Committee to discard validity certificates and the observations with respect to affinity, are also erroneous.

6. *Per contra*, advocate Shri Kagne, learned AGP for the respondents/State, strenuously opposed the petition and justified the impugned order. He submitted that no reliance can

be placed on the validity of Sambhaji since the same was based on validity of Avinash, which was found to have been granted on the basis of incomplete vigilance cell report. It is submitted that the petitioner was required to establish his claim independently and, therefore, only on the basis of validity of Sambhaji, he cannot claim any relief.

7. We have considered the rival submissions and perused the papers including the original record in the matters of the petitioner, Sambhaji and Avinash, which is produced for our perusal.

8. The relationship of the petitioner with Sambhaji being real brother and Avinash being cousin brother, is not disputed. Perusal of the record shows that the validity was granted to Sambhaji by following due procedure i.e. on the basis of vigilance cell enquiry report and by a reasoned order. Although the objection is raised about validity of Avinash, however, the validity of the petitioner's real brother Sambhaji is in force and the petitioner is entitled to derive its benefits.

9. In view of the law laid down in ***Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti vs. The State of***

Maharashtra and others, AIR 2023 SC 1657 and Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21], the petitioner being real brother of Sambhaji is entitled for validation of his claim. Although the validity of Sambhaji was made subject to reopening of the validity of Avinash, the petitioner is entitled for validation of his claim which has to be co-terminus with the validity of Sambhaji. Hence, in view of the judgment in the matter of ***Shweta Balaji Isankar vs. The State of Maharashtra and others, Writ Petition No.5611/2018 (principal seat) decided on 27.07.2018, (2018 SCC Online Bom 10363)***, the petitioner is also entitled for grant of validity. Hence, we pass the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned order dated 22.01.2025 passed by respondent No.5 Scrutiny Committee is quashed and set aside.
- (c) Respondent No.5 Scrutiny Committee is directed to immediately issue a validity certificate of 'Mannervarlu', Scheduled Tribe, in favour of the petitioner.
- (d) The validity certificate to be issued to the petitioner,

shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.

- (e) The petitioner shall not be entitled to claim equities.
- (f) No order as to costs.

10. Rule is made absolute in the above terms.

kps

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