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

WRIT PETITION NO.1282 OF 2025

Umesh Ramkishan Gurle,
Age: 29 years, Occu. Education,
R/o. Nandkheda, Tq. Parbhani,
District Parbhani

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee,
Chh. Sambhajinagar,
Through its Dy. Director (R),
Dist. Chh. Sambhajinagar

....RESPONDENTS

AND

WRIT PETITION NO.1306 OF 2025

Ramkishan Baliram Gurle,
Age: 70 years, Occu. Retired,
R/o. Nandkheda, Tq. Parbhani,
District Parbhani

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee, Chh. Sambhajinagar,
Through its Dy. Director (R),
Dist. Chh. Sambhajinagar

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3. The Dean,
Swami Ramanand Tirth Government
Medical College and Hospital,
Ambajogai, Tq. Ambajogai,
Dist. Beed

....RESPONDENTS

AND

WRIT PETITION NO.1307 OF 2025

Mahesh Ramkishan Gurle,
Age: 32 years, Occu. Service,
R/o. Nandkheda, Tq. Parbhani,
District Parbhani

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee,
Chh. Sambhajinagar,
Through its Dy. Director (R),
Dist. Chh. Sambhajinagar
3. The Divisional Controllar,
Maharashtra State Road
Transport Corporation,
Buldhana Division, Buldhana,
Dist. Buldhana

....RESPONDENTS

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Mr Sunil Mahadevappa Vibhute, Advocate for petitioners in all
petitions
Ms P. J. Bharad, A.G.P. for respondent Nos.1 & 2 in all petitions

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 27th January, 2025

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

1. Heard the respective sides.
2. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.
3. The petitioners in all these three petitions, who are father and two sons, have raised a challenge to the common order of invalidation dated 22/01/2025, passed by respondent No.2/scrutiny committee invalidating their claims for 'Mannervarlu' Scheduled Tribe and directing initiation of action under Sections 10 and 12 of Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001). Since the impugned order is a common order the writ petitions are being decided together.
4. By the impugned order, the committee has invalidated the tribe claims of these petitioners by observing that they failed to establish their claims on the basis of documentary evidence, as well as for failure to prove affinity with 'Mannervarlu' Scheduled Tribe. The

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committee has referred to various documents submitted by the petitioners, however, it discarded the documents by referring to the issue of area restriction and observing that the family members of the petitioners were not residents of the scheduled area. About affinity, the committee has generally observed that the cultural traits and customs as narrated by the petitioners did not match with the 'Mannervarlu' tribe.

5. Assailing the impugned order, Advocate Mr Vibhute, learned counsel for the petitioners submitted that the impugned order is grossly illegal since the committee has erred in ignoring the validity certificate in favour of third son of petitioner Ramkishan, namely, Santosh Ramkishan Gurle, who is brother of petitioners Umesh and Mahesh. By placing reliance upon validity certificate in favour of Santosh, it is vehemently argued that the committee ignored the validity certificate by adopting a perverse approach, without considering the settled legal position. He submitted that, on the basis of validity in favour of Santosh, the claims of the petitioners ought to have been validated.

6. Learned A.G.P. Ms Bharad for the respondents/State authorities opposed the petitions and submitted that the validity in

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favour of Santosh cannot be made the sole basis to validate the petitioners' claims, since a few documents which are mentioned in the impugned order were not brought before the committee during the process of scrutiny of the claim of Santosh. It is submitted that the documents in favour of the other relatives of the petitioners showing the caste as 'Munnarwar', 'Kolam', 'Manner', etc. were not brought before the committee, and therefore, the committee has rightly discarded the validity in favour of Santosh.

7. In order to have objective scrutiny of the claims of the petitioners, we have called upon the respondents to produce the original file of Santosh Ramkishan Gurle from the office of scrutiny committee. The same is produced.

8. We have considered the rival submissions and perused the papers including original file of Santosh Ramkishan Gurle.

9. It is to be noted that, there is no dispute about the fact that petitioners Umesh, Mahesh and Santosh are sons of Ramkishan Baliram Gurle. The genealogy showing the relationship was filed before the scrutiny committee and there is no dispute. It is also not disputed that a validity certificate dated 15/10/2007 was issued in favour of Santosh Ramkishan Gurle by the Pune scrutiny committee.

10. While considering the rival claims, the settled position of law as laid down in the authoritative pronouncement of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others**, [AIR 2023 Supreme Court 1657] has to be kept in mind. As has been held, in the wake of validity certificate in favour of a blood relative, the scope of enquiry has to be mainly whether it was granted after following due procedure and by a reasoned order. On perusal of original record of the case of Santosh, it is clear that, a detailed vigilance enquiry was conducted and on the basis of report of vigilance enquiry and other documents filed by him, the committee passed a reasoned order dated 15/10/2007 validating his tribe claim. It is pertinent to note that the validity certificate dated 15/10/2007 in favour of Santosh is in force. In view of this, the petitioners, being blood relatives of Santosh, are entitled to take benefit of the validity.

11. The contentions of the respondents that, a few documents were not produced before the committee while deciding the claim of Santosh, cannot be given weightage in view of the authoritative pronouncement in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra). It has to be noted that the validity in

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favour of Santosh is in force and only because of possibility of reopening of matter of Santosh, the petitioners cannot be deprived of its benefit at this stage.

12. It has also to be noted that, in view of validity in favour of one brother, invalidating claims of other brothers and father, will create an anomalous situation. In view of the position of law as settled in the matters of **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; [2010 (6) Mh. L.J. 401]** and **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra), we are of the considered view that the petitioners are also entitled to validity, which has to be co-terminus with the validity in favour of Santosh Ramkishan Gurle. Hence, we pass following order :

- (i) The writ petitioners are partly allowed. The impugned order dated 22.01.2025 is quashed and set aside. The respondent/Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matter which the Committee has decided to re-open.

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(ii) The petitioners shall not be entitled to claim equities.

13. Rule is made partly absolute in above terms.

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

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