



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

WRIT PETITION NO.1624 OF 2025

Sahebrao s/o Sayanna Poradwar,
Age : 26 years, Occupation : Selectee,
R/o Arjapur, Tq. Biloli,
Dist. Nanded.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through its Secretary.
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Through its Dy. Director (R),
At Aurangabad.

...RESPONDENTS

...
Shri S.M. Vibhute, Advocate h/f Shri G.K. Chinchole, Advocate
for the Petitioner.
Ms. S.S. Joshi, AGP for Respondent Nos.1 and 2/State.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

Reserved on : 18th February, 2025.

Pronounced on : 27th February, 2025.

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

Heard advocate Shri S.M. Vibhute, for the petitioner
and advocate Ms. S.S. Joshi, 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 14.01.2025 passed by respondent No.2 Scrutiny Committee invalidating his claim for 'Mannervarlu', Scheduled Tribe.

4. By the impugned order, respondent No.2 Scrutiny Committee has inferred that the petitioner failed to establish his claim on the basis of documentary evidence as well as on account of failure to prove affinity with 'Mannervarlu' tribe.

5. Advocate Shri Vibhute for the petitioner has assailed the impugned order by submitting that the Committee has failed to take into consideration vital documents on the basis of which the petitioner is entitled for validation of his claim. He has vehemently submitted that the Committee has failed to consider the purport of validity in favour of real brother of the petitioner, namely, Balaji Sayanna Poradwar and has wrongly brushed aside his validity. He has submitted that in view of the validity in favour of the petitioner's real brother, the Committee ought to

have validated his claim. He has also submitted that in view of the validity of Balaji, the reasoning of the Committee with respect to affinity is erroneous since in any case the affinity test is not a litmus test. Thus, the entire approach of the Committee is perverse.

6. Per contra, advocate Ms. Joshi, learned AGP for respondent Nos.1 and 2, has strenuously argued and justified the impugned order. She has submitted that there are certain documents showing tribe as 'Munurwad' in the family of the petitioner and, therefore, reliance cannot be placed on the validity of Balaji. She has also submitted that the validity of Balaji was granted by the Committee comprising of Shri V.S. Patil as its Vice Chairman, who was found to have indulged in serious malpractices related to deciding tribe claims. She has, therefore, submitted that the validity of Balaji has to be discarded and the petitioner cannot derive its benefits.

7. We have considered the rival submissions and perused the papers including the original record in the matters of Balaji Sayanna Poradwar and the petitioner, which is made available for our perusal.

8. It is pertinent to note that the Committee has referred to documentary evidence submitted by the petitioner in support of his tribe claim which contains *inter alia* the validity certificates in favour of Balaji (petitioner's real brother) and Shivaji Rajaram Totalwar (petitioner's maternal cousin brother). The relationship of the petitioner with Balaji and Shivaji is not disputed. The validity certificates dated 23.08.2011 in favour of Balaji and dated 15.02.2006 in favour of Shivaji, are also not disputed. Although the objection is raised about irregularity in grant of validity to Balaji only because the Vice Chairman of the Committee was a person who was found to have indulged in certain irregularities while deciding tribe claims at the relevant time, however, perusal of original record of Balaji shows that on the basis of vigilance cell enquiry report and on the strength of documents filed in support of his tribe claim, the validity was granted to him by a reasoned order. It is pertinent to note that the validity of Shivaji Rajaram Totalwar, who is maternal cousin brother of Balaji, was also taken into consideration. Further, the validity of Balaji is not yet challenged and the same is in force. Therefore, the petitioner is entitled to rely upon this validity and derive its benefits.

9. In view of the law laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657***, the scope of enquiry is restricted to compliance with procedure while granting the validity. In the instant case, since the validity of Balaji was granted by following due procedure, the petitioner is entitled to rely on it.

10. In view of the law laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)*** 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 Balaji, is entitled for validation of his claim. Although the respondents have raised questions about validity of Balaji, same cannot be an impediment in granting validity to the petitioner during the subsistence of validity of Balaji. In case the claim of Balaji is reopened, the petitioner will also be subjected to ensuing consequences. 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 entitled for validity subject to the consequences in the matter of Balaji if his case is reopened. Hence, we pass the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned order dated 14.01.2025 passed by respondent No.2 Scrutiny Committee is quashed and set aside.
- (c) Respondent No.2 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.

11. Rule is made absolute in the above terms.