



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

WRIT PETITION NO.2081 OF 2025

1. Nikita Julalsing Batale,
Age : 19 years, Occ: Service,
R/o Rawala, Tq. Soegaon,
Dist. Aurangabad.
2. Nitin Julalsing Batale,
Age : 21 years, Occ : Education,
R/o Rawala, Tq. Soegaon,
Dist. Aurangabad.
3. Ashwini Mangalsing Batale,
Age : Minor, Occ : Education,
under guardianship of father
Mangalsing Kesharsing Batale,
Age : 49 years, Occu : Agril,
R/o Rawala, Tq. Soegaon,
Dist. Aurangabad.

...PETITIONERS

-VERSUS-

1. The State of Maharashtra.
Through its Secretary.
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Chhatrapati Sambhajinagar,
Division Chhatrapati Sambhajinagar,
Tq. & Dist. Ch. Sambhajinagar.
Through its Deputy Director (R).

...RESPONDENTS

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Shri Pratap V. Jadhavar, Advocate for the Petitioners.
Shri S.R. Wakale, AGP for Respondent Nos.1 and 2/State.

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

DATE : 12th February, 2025.

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

Heard advocate Shri Pratap V. Jadhavar, for the petitioners and advocate Shri S.R. Wakale, learned AGP for the respondents/ State.

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

3. The petitioners have challenged the common order dated 05.02.2025 passed by respondent No.2 Scrutiny Committee invalidating their claim for 'Naikda', Scheduled Tribe. The impugned order is a common order in the matters of all these petitioners.

4. By the impugned order, respondent No.2 Scrutiny Committee has invalidated the petitioners' claim by observing that they have failed to establish their claim on the basis of documentary evidence as well as on account of failure to prove affinity with 'Naikda' tribe.

5. Advocate Shri Jadhavar for the petitioners has vehemently submitted that the Committee has adopted perverse approach in discarding ample documentary evidence particularly validity certificates in favour of cousin brothers and sisters of the petitioners. It is submitted that reasoning of the Committee to discard validity certificates is erroneous and in view of the settled position of law regarding validity of blood relatives, the petitioners' claim ought to have been validated.

6. *Per contra*, advocate Shri Wakale, learned AGP for respondent Nos.1 and 2, opposed the petition and justified the impugned order. It is submitted that the petitioners cannot solely rely on validities of their cousins, since they have to independently establish their claim for securing validity. The petitioners have independently failed to prove their affinity with 'Naikda' tribe. Therefore, the impugned order needs no interference.

7. We have considered the rival submissions and perused the papers.

8. Amongst other documents, the petitioners have relied upon validity certificates in favour of their cousins,

namely, Pratiksha Jawansing Batale, Rupali Jawansing Batale and Bhushan Jawansing Batale. It is pertinent to note that tribe claims of these cousins were invalidated by the Committee and the order was subjected to challenge in Writ Petition No.11372/2023. In view of the validity dated 04.05.2011 in favour of their father Jawansing Batale, the said writ petition was allowed vide order dated 20.06.2024.

9. The relationship of the petitioners with Jawansing and his children is not disputed, as can be seen from the genealogy reproduced in the impugned order. Although the validities were granted to these persons, making them co-terminus with the validity of Jawansing, however, the fact remains that their validities are in force. The petitioners are, therefore, entitled to rely upon the said validities and derive its benefits.

10. 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*** 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 claim of the petitioners is also liable to be validated, however, subject to the validity of Jawansing as observed in the order dated 20.06.2024 in Writ Petition No.11372/2023. Hence, we pass the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned order dated 05.02.2025 passed by respondent No.2 Scrutiny Committee is quashed and set aside.
- (c) Respondent No.2 Scrutiny Committee is directed to immediately issue validity certificates of 'Naikda', Scheduled Tribe, in favour of the petitioners.
- (d) The validity certificates to be issued to the petitioners, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.
- (e) The petitioners shall not be entitled to claim equities.
- (f) No order as to costs.

11. Rule is made absolute in the above terms.