



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**WRIT PETITION NO. 2454 OF 2005
WITH
CIVIL APPLICATION NO. 706 OF 2012 IN WP/2454/2005
AND
CIVIL APPLICATION NO. 2705 OF 2008 IN WP/2454/2005**

Sanjay S/o Ramji Ingewad
Aged 32 years, Occu : Agri.
& Corporator, R/o 37 "Ramnivas",
Waghala, Tq. & Dist. Nanded

.. Petitioner

Versus

1] The State of Maharashtra
Through its Tribal Dev. Department,
Mantralaya, Mumbai – 32

2] The Committee for Scrutiny & Verification
of Tribe Claims, Aurangabad,
Through its Member – Secretary

3] Nanded – Waghala Municipal Corporation,
Through Its Commissioner,
Nanded

.. Respondents

...
Advocate for petitioner / applicants : Mr. U.R. Awate h/f. Mr. S.B. Talekar
AGP for the respondents no. 1, 2 and 4 : Mr. S.V. Hange
Advocate for respondent no. 3 : Mr. Wasif Shaikh h/f. Mr. M.V. Deshpande
...

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

DATE : 29 JANUARY 2025

ORDER (MANGESH S. PATIL, J.) :

We have heard the learned advocate for the petitioner and
the learned AGP as also the learned advocate Mr. Shaikh h/f.
Mr. Deshpande for respondent no. 3 – municipal corporation.

2. The petitioner is putting up a challenge to the judgment and order of the respondent no.2 – scrutiny committee in a proceeding under section 6 of the Maharashtra Act No. XXIII of 2001 dated 24-02-2005, refusing to validate his Mannervarlu scheduled tribe certificate.

3. The learned advocate Mr. Awate h/f. Mr. Talekar for the petitioner would submit that the committee had not appreciated the evidence in the proper perspective. Favourable record was overlooked. The affidavits filed by the relatives have been illegally discarded only on the ground that those individuals are from the maternal side ignoring their relevance. Inference about manipulation has been drawn based on surmises and conjectures without resorting to appropriate enquiry into the genuineness of the Urdu document and mainly on the ground that it was not registered one. Pre-constitutional document has thus been illegally discarded and overlooked.

4. Mr. Awate would further submit that incidentally, at a later point of time, the committee had rejected the claim of petitioner's children – Pranav and Priya by the order dated 13-06-2023. They had put up a challenge to it in writ petition no. 1334 of 2023 and by judgment and order dated 23-07-2024, the writ petition was allowed and the scrutiny committee was directed to issue them certificate of validity, making it clear that those would be subject to the final outcome

of the matters of the validity holders which they were relying upon but the committee had formed an opinion about those validities having been obtained by resorting to fraud. There are several other validities as well, referred to in that judgment and order and the petition be allowed.

5. The learned AGP would fairly concede about petitioner's children having faced invalidation and this Court having set aside the order and having directed the committee to issue them certificates of validity.

6. We have gone through the impugned judgment as also the order in the matter of petitioner's children Pranav and Priya. The committee was alive as also this Court, while deciding the writ petition of the children about invalidation faced by the petitioner and the matter being pending before this Court. It is, therefore, not a case of active concealment of petitioner's invalidation.

7. If at all, the petitioner's children have been able to secure validity during pendency of the petition, the petitioner, in our considered view, is entitled to derive its benefit.

8. Pertinently, as mentioned in the judgment of the committee in the matter of Pranav and Priya, there are as many as 12 validities in the family, may be issued after invalidation of the petitioner's claim.

The fact remains that the issue being of a social status, when these many blood relatives have received certificates of validity including the petitioner's two children, which could be said to have been issued by following due process of law, in the light of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioner is entitled to derive the benefit of children's validity.

9. The writ petition is partly allowed.

10. The impugned judgment and order is quashed and set aside.

11. The committee shall issue certificate of validity to the petitioner of Mannervarlu scheduled tribe. It shall be co-terminus with the validities in the family which the committee has decided to re-open as mentioned in its order passed in the matters of Pranav Sanjay Ingewad and Priya Sanjay Ingewad.

12. Rule is made absolute in the above terms.

13. Pending civil applications are disposed of.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/