



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

2 WRIT PETITION NO. 2414 OF 2024

BALAJI CHINANNA ALMOD

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

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WITH

WRIT PETITION NO. 2413 OF 2024

SARASWATI CHINANNA ALMOD

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

WITH

WRIT PETITION NO. 2433 OF 2024

MAROTI CHINANNA ALMOD

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

WITH

WRIT PETITION NO. 2448 OF 2024

SUNITA VITTHAL ALMOD

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

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Advocate for the Petitioners in all petitions: Mr. Thorat Chandrakant R. a/W. Mr.
Om D.Totawad

AGP for Respondent/State in all petitions : Mr. S.R.Yadav-Lonikar

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CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.

DATE : 10th FEBRUARY 2025

PER COURT :

1. Heard both sides finally at the admission stage.
2. The petitioners are challenging common judgment and order dated 13.02.2024 passed by respondent/scrutiny committee invalidating their tribe certificates of 'Mannervarlu' Scheduled Tribe . There is a common record and therefore, we propose to decide these petitions by common judgment and order.
3. Petitioners are paternal blood relatives. The relationship has not been disputed. They are relying on the validity certificates issued to Shankar Abanna Almod and Swapnil Baburao Almod. Learned counsel for the petitioners submit that both validities are issued after following due procedure of law which would enure to the benefits of the petitioners. He would further submits that unless earlier validities are revoked, petitioners cannot be deprived of same social status. The petitioners are ready to face consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** in Writ Petition No. 5611 of 2018.
4. *Per contra*, learned AGP would submit that Shankar had secured the validity certificate by suppressing material facts. The contrary record of Babu Abanna Almod and Suresh Abanna Almod were not placed before the committee. During vigilance tampering

was found in the school entries of Shankar, Chinnana and Vitthal. He would further submit that school entry of Babu Abanna Almod bearing no. 96 of 2022 was found to be of Munnurwad which amounts to fraud. The committee has rightly discarded the validities and rightly rejected the tribe claims of the petitioners.

5. We have considered rival submissions of the parties. The relationship of the petitioners with the validity holders has not been disputed. Shankar is the first validity holder. In his case, vigilance enquiry was conducted and report was submitted. The school entries indicating tribe as 'Mannervarlu' were verified. Amongst them school entries of Babu Abanna Almod of the year of 1962 was the oldest one bearing No. 96 of 2022. Thereafter, Shankar was issued with validity certificate by the committee by reasoned order. Apparently, we find that Shankar was issued with validity certificate in accordance with law. Relying on the judgment of Hon'ble Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarkshan Samiti vs. State of Maharashtra and others** reported in 2023(2) Mh.L.J.785, his validity would corroborate the tribe claim.

6. Relying on validity of Shankar, another relatives of the petitioners Swapnil Baburao Almod was issued with validity certificate. No separate vigilance was conducted in his matter but by reasoned order, committee issued him validity certificate. Both these validities are still intact. Unless they are recalled, petitioners cannot be deprived of validity certificates.

7. Learned AGP has strenuously pointed out the inconsistencies in the entry of Babu Abanna Almod. In the matter of Shankar, vigilance was conducted for the said school entry. It was found as 'Mannervarlu' whereas in the present case, the vigilance shows the entry that of 'Munnurwad'. Apparently, there is inconsistent school record but it would be difficult to infer fraud at this juncture. It would be upto the committee to conduct in-depth enquiry by re-verification, to find out as to whether there is fraud or not.

8. As the self-same record has already been scrutinized in granting validities in the family. It has already been mentioned in the impugned order that first validity holder Shankar was issued with show-cause notice dated 24.01.2025. We find that petitioners deserve to receive validity certificates. They are ready to abide by the judgment of **Shweta Balaji Isankar** (supra) Hence, they are entitled to validities conditionally. In this view of the matter, we find that impugned judgment and order is unsustainable. We therefore pass following order :

ORDER

- a) Writ Petitions are partly allowed.
- b) Common judgment and order dated 13.02.2024 passed by the Respondent/Scrutiny Committee are quashed and set-aside.
- c) The Respondent/Scrutiny Committee shall forthwith issue

tribe validity certificates of 'Mannervarlu' Scheduled Tribe to the petitioners which shall be subject to outcome of re-verification proposed by the scrutiny committee.

d) The petitioners shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

vsj..