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

WRIT PETITION NO.3169 OF 2025

Shreyas s/o Arvind Karne,
Age: 17 years, Occu : Education,
Through natural guardian i.e. Father
Arvind s/o Gangadhar Karne,
Age: 44 years, Occu: Agri.,
R/o. Narangal, Tq. Deglur,
Dist. Nanded

....PETITIONER

VERSUS

1. The State of Maharashtra,
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai
2. Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Having its Head Quarter,
at Chhatrapati Sambhaji Nagar,
Through its Member Secretary

....RESPONDENTS

....

Mr S. S. Phatale, Advocate for petitioner
Ms P. J. Bharad, A.G.P. for respondents/State

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

DATE : 6th March, 2025

JUDGMENT (PER : PRAFULLA S. KHUBALKAR, J.)

1. Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2. By this petition under Article 226 of the Constitution of India, the petitioner takes exception to the order dated 05/02/2025, passed by respondent No.2/Scheduled Tribe Certificate Scrutiny Committee, invalidating his claim for '*Mannervarlu*' Scheduled Tribe in a proceeding under Section 7 of the 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. By the impugned order, the committee has observed that the petitioner has failed to establish his claim on the basis of documentary evidence as well as on account of failure to prove affinity with '*Mannervarlu*' Scheduled Tribe.

3. Mr S. S. Phatale, learned counsel for the petitioner submits that the petitioner's claim ought to have been validated on the basis of documentary evidence. He vehemently submits that the tribe claim of the petitioner is decided on the basis of vigilance cell enquiry report of his cousin brother Aditya Madhav Karne and since Aditya had been issued with the validity certificate pursuant to the order dated 06/12/2021, passed by this Court in Writ Petition No.13363/2021, the petitioner is also entitled for validation of his claim.

(3)

4. Per contra, Ms. P. J. Bharad, learned A.G.P. for respondents submits that the committee has passed the impugned order by appreciating the documentary evidence relied upon by the petitioner. She further submits that the petitioner was required to establish his claim independently and cannot take benefits of documents of other persons. She further submits that there are no documents of pre-independence era establishing the petitioner's claim and hence, the claim was rightly invalidated.

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

6. It is pertinent to note that the petitioner has filed a number of documents in support of his tribe claim. The petitioner was served with show cause notice dated 13/01/2024 accompanied with vigilance cell enquiry report dated 07/08/2021 in the matter Aditya Madhav Karne, who is cousin brother of the petitioner. It is undisputed position that the committee has decided the petitioner's claim by considering the vigilance cell enquiry in the matter of Aditya. Pertinently, after invalidation of their tribe claim, Aditya Madhav Karne and Shubham Irwant Karne had filed Writ Petition No.13363/2021 which was decided by judgment dated 06/12/2021

(4)

holding them entitled for validity certificates. Thus, since the petitioner's tribe claim was decided on the basis of vigilance cell enquiry in the matter of Aditya and Aditya has been granted validity certificate, the petitioner is also entitled for validation of his claim, albeit, co-terminus with the validity of Aditya. It is to be noted that the judgment in the matter of Aditya Madhav Karne in Writ Petition No.13363/2021 (supra) observes that father and real paternal uncle of Aditya are also issued with validity certificates and there are several validity certificates in their family. The petitioner is entitled to derive benefit of these validities.

7. Since there is no dispute about relationship of the petitioner with Aditya, he is entitled to derive benefits in view of the settled position of law as laid down in the matters of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others**, [AIR 2023 Supreme Court 1657] and **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**, [2010 (6) Mh. L.J. 401]. Hence, we pass the following order :-

(a) The writ petition is partly allowed.

(5)

(b) The impugned order dated 05/02/2025, passed by respondent No.2/scrutiny committee, is quashed and set aside.

(c) Respondent/scrutiny committee is directed to immediately issue validity certificates to the petitioner of belonging to the 'Mannervarlu' Scheduled Tribe in a prescribed format, which shall be subject to decision that would be taken in the reopened proceedings of the validity holders relied upon by the petitioner.

(d) The petitioner shall not claim any equities.

8. Rule is made partly absolute in above terms.

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

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