



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

WRIT PETITION NO. 5834 OF 2021

ARCHANA PRAKASH MITKE THROUGH POWER OF ATTORNEY HOLDER
SHRINIVAS PRAKASH MITKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sunil M. Vibhute, Advocate for the Petitioner

Mr. A. V. Lavte, AGP for Respondent/State

Mr. S. R. Bagal, Advocate for Respondent Nos.6 & 7

...

**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

DATE : 17th DECEMBER, 2025

PER COURT :

1. This petition takes exception to the order dated 09/03/2021 passed by respondent No.2 Committee, thereby invalidating tribe claim of the petitioner as belonging to Mannervarlu scheduled tribe.

2. Before the Committee the petitioner relied upon numerous documents of his blood relatives from the year 1959 onwards. The Committee has invalidated tribe claim of the petitioner mainly on the ground that invalidation of the tribe claim of Sanjay Digambar Mitke, cousin uncle of the petitioner and Vijayalaxmi Vyankatrao Shivangaonkar, petitioner's paternal aunt was suppressed from the Committee. Failure on the part of petitioner to clear affinity test and area restriction is also the reason

given by the Committee to reject the claim of petitioner. The Committee has also observed that there are some contra entries.

3. Heard learned advocate for petitioner, learned AGP for respondent-State and learned advocate for respondent Nos.6 and 7. Perused the record.

4. In support of his claim, the petitioner has relied upon the validity certificate issued to his real brother Shrinivas Prakash Mitke as per the order dated 23/07/2018 passed by the Coordinate Bench of this Court at Principal Seat in Writ Petition No.7518/2018. The petitioner has also relied on following orders passed by the Coordinate Benches of this Court in favour of his blood relatives:-

Sr. No.	Name of Blood Relative	Writ Petition Number	Date of the Order
1	Rutuja Raman Mitake	5857/2019	19/07/2019
2	Ragini Vasantrao Mitke	2937/2019	28/10/2021
3	Rahul Hanmantrao Mitke	9590/2023	04/08/2023
4	Shraddha Vijay Shivangaonkar	9589/2023	04/08/2023
5	Shriniwas Rameshwar Mitke	6914/2021	19/08/2023
6	Jayram Venkatrao Mitke	7490/2021	19/08/2023
7	Suhasini Rameshwar Mitke	6949/2021	19/08/2023
8	Tanuja Jairam Mitke	10702/2019	07/02/2024
9	Prathamesh Hanmant Mitke	8139/2024	22/08/2024
10	Raghunath Anandrao Mitke	5581/2021	22/08/2024

5. Learned AGP has vehemently opposed the petition by relying on the decision of Coordinate Bench of this Court in Writ Petition No.8531/2022, wherein on account of suppression of

invalidation of the tribe claim of blood relatives this Court has rejected tribe claim of petitioner by relying on ***Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar and Others, [(2008) 9 SCC 54]***. According to learned AGP, the petitioner has played fraud on the Constitution and therefore, she is not entitled for any relief.

6. It is not in dispute that the petitioner's blood relatives whose documents were referred by the Committee in the impugned order are granted conditional validity under the orders of this Court passed in respective writ petitions mentioned in the aforementioned chart. Fact remains that the real brother of petitioner is given conditional validity certificate. Therefore, we cannot take different view than the one taken by this Court in eleven blood relatives' matters. Decisions of the Coordinate Bench in the cases of blood relatives of the petitioner are binding on us. In this view of the matter the decision relied upon by learned AGP is of no assistance to his case.

7. For the reasons stated in the above mentioned orders and as the blood relatives of the petitioner are granted conditional validity, on the ground of parity the petitioner is entitled for the same relief.

8. In the result, the writ petition is allowed. Impugned

order dated 09/03/2021 passed by respondent No.2 Committee is quashed and set aside. The Committee is directed to forthwith issue validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe. It shall be co-terminus with the validities in the family, which the Committee has decided to reopen. Petitioner shall not be entitled to claim equities.

(VAISHALI PATIL JADHAV, J.)

(NITIN B. SURYAWANSHI, J.)