



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5584 OF 2019

Kumari Sonali D/o Narsimlu Gattuwar,
Age – 19 years, Occ. Student,
R/o Kundalwadi, Tq. Biloli,
Dist. Nanded

.. Petitioner

Versus

1] The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai – 32
Through its Secretary

2] The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Region,
Aurangabad,
Through its Member Secretaryd

3] The Sub Divisional Magistrate,
Biloli, Dist. Nanded

.. Respondents

Advocate for petitioner : Mr. M.L. Paithane h/f. Mr. Madhur A. Golegaonkar
AGP for the respondents no. 1 to 3 : Mrs. V.N. Patil-Jadhav

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

DATE : 29 JANUARY 2025

ORDER (MANGESH S. PATIL, J.) :

Heard. Rule. It is made returnable forthwith. AGP waives service for all the respondents.

2. With the consent of both the sides, the matter is heard finally at the stage of admission.

3. The petitioner is taking exception to the judgment and order of the respondent – scrutiny committee dated 27-10-2017,

thereby refusing to validate her 'Mannervarlu' scheduled tribe certificate.

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

5. The committee in the impugned judgment and order, has referred to three validities in the family but has refused to extend its benefit on the ground that those were obtained by concealing the contrary record. Rajesh Narsimlu Gattuwar, Suresh Vyankati Gattuwar and Shailendra Vyankati Gattuwar could obtain the certificates of validity and none of them had disclosed the contrary school record which was revealed while undertaking vigilance enquiry in the petitioner's matter.

6. However, learned AGP makes available to us the original files of Rajesh and Shailendra. Rajesh was issued with certificate of validity by following due process of law. Vigilance enquiry was conducted and by a reasoned order, he was held entitled to have a certificate of validity. In the process, validity of couple of other cousins, namely, Krushna Vyankanna Gattuwar and Anup Vyankati Gattuwar were also relied upon and considering the remark of the research officer and that of the Vigilance Officer, he was held entitled to have a certificate of validity.

7. Even if the committee now seeks to take exception and has attributed fraud on the part of Rajesh in obtaining the validity, till the time it does not resort to appropriate process and is successful in recalling his validity, when the committee has not been disputing petitioner's relationship with him, following the decision in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326***, the petitioner is entitled to have the certificate of validity.

8. Incidentally, in writ petition no. 14772 of 2017, by the order dated 15-07-2024, this Court has directed the certificate of validity to be issued to Rajesh's daughter – Yashada. Even there is a reference to some other validities in the family in the order of this Court. The stand of the committee of petitioner's father having resorted to fraud, was also raked up in that matter.

9. It is in view of such indisputable circumstances, the petitioner is entitled to have a certificate of validity with the usual conditions.

10. The writ petition is partly allowed.

11. The impugned order is quashed and set aside.

12. The respondent no. 2 – committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to reopen.

13. The petitioner shall not be entitled to claim equities.

14. Rule is made absolute accordingly.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/