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

WRIT PETITION NO.8758 OF 2021

Laxmibai D/o Shankar Totewad,
Age: 32 years, Occu: Service,
R/o. Aurala, Tq. Naigaon (Kh.),
Dist. Nanded

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
Through its Member Secretary, Aurangabad
3. The Chief Post Master General,
Mumbai, CST, Fort, Mumbai
4. The Post Master General,
CST, Fort, Mumbai
5. The Senior Superintendent
of Post Offices, Mumbai City,
East Division, Dadar, Mumbai

....RESPONDENTS

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Mr S. M. Vibhute, Advocate for petitioner
Ms S. S. Joshi, A.G.P. for respondent Nos.1 & 2
Mr S. S. Deve, Advocate for respondent Nos.3 to 5

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

DATE : 7th 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 22/07/2021, passed by respondent No.2/Scheduled Tribe Certificate Verification Committee, Aurangabad, invalidating her 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 her claim on the basis of the documentary evidence as well as on account of failure to prove affinity with '*Mannervarlu*' scheduled tribe.

3. Mr S. M. Vibhute, learned counsel for the petitioner submits that the committee has adopted erroneous approach in considering probative value of the documentary evidence. He submits

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that in view of the validation of claim of petitioner's real brother Somnath Shankarrao Totewad, by virtue of judgment dated 01/08/2023 in Writ Petition No.9296/2023, the petitioner is also entitled for validation of her claim. He then submits that the petitioner's two other real sisters Mahananda Shankarrao Totewad and Shivkanta Shankarrao Totewad have also got certificates of validity. He, therefore, submits that in view of the validities in favour of petitioner's real brother and sisters, the petitioner is also entitled for validation of her claim.

4. Per contra, Ms S. S. Joshi, learned A.G.P. for respondent Nos.1 and 2 and Mr S. S. Deve, learned counsel for respondent Nos.3 to 5 oppose the petition and justify the impugned order. They submit that the impugned order is a reasoned order after considering all the documentary evidence and applying affinity test. By referring to the affidavit-in-reply dated 12/11/2021, respondent Nos.3 to 5 submit that in view of invalidation of the petitioner's claim, the petitioner has to face necessary consequences with respect to service with respondent Nos.3 to 5.

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

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6. It is pertinent to note that the petitioner's real sisters Mahananda and Shivkanta have got validity certificates. The claim of petitioner's real brother Somnath was although invalidated, however, by judgment dated 01/08/2023 in Writ Petition No.9296/2023, this Court quashed the order of invalidation and he is held entitled for validation of his tribe claim. Since relationship of the petitioner with her real sisters Mahananda and Shivkanta and with real brother Somnath, who are validity holders is not disputed, the petitioner is entitled for validation of her tribe claim 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]**, albeit making it co-terminus with the validity of her real brother Somnath. Hence we pass the following order :-

- (a) The writ petition is partly allowed.
- (b) The impugned order dated 22/07/2021, passed by respondent No.2/scrutiny committee, is quashed and set aside.
- (c) Respondent/scrutiny committee is directed to issue tribe validity certificate to the petitioner of belonging to the

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‘Mannervarlu’ Scheduled Tribe in a prescribed format, which shall be co-terminus with the validity of Somnath Shankarrao Totewad.

(d) The petitioner shall not claim any equities.

7. Rule is made partly absolute in above terms.

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

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