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

WRIT PETITION NO.9540 OF 2019

Santosh S/o Balajirao Marakwar
Age 45 years, occ. Service
R/o PO Pingal Kautha (Mare)
Tq. Mudkhed, Dist. Nanded

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division,
Plot No.10, Sector E-1,
Near Saint Lawrence High School,
Opp. CIDCO Bus Stand, Aurangabad
3. The Sub Divisional Officer,
Office of SDO, Bhokar
Dist. Nanded
4. The Head Master,
Jijamata Primary School, Phule Nagar,
Nanded.
5. The Education Officer [P],
Zilla Parishad, Nanded
6. The Chief Officer,
Zilla Parishad,
Nanded.

....RESPONDENTS

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Mr M. A. Golegaonkar, Advocate for petitioner
Mr V. M. Kagne, A.G.P. for respondent Nos.1 to 3
Mr S. B. Pulkundwar, Advocate for respondent Nos.5 & 6

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

DATE : 11th February, 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 has assailed the order dated 17/07/2019, passed by respondent No.2/Scheduled Tribe Certificate Scrutiny Committee, Aurangabad, invalidating petitioner's claim for '*Mannervarlu*' Scheduled Tribe in a proceeding under Section 7 of 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.
3. The committee has concluded that the petitioner failed to establish his claim on the basis of documentary evidence, as well as failed to prove affinity with '*Mannervarlu*' Scheduled Tribe.

4. The impugned order is a common order in the matter of petitioner and his son Krushna Santosh Marakwar. The impugned order was subject matter of scrutiny in Writ Petition No.9062/2019 decided by the Principal Seat of this Court vide judgment dated 22/08/2019, by which, the writ petition was partly allowed directing the respondent/committee to issue validity certificate in favour of Krushna Santosh Marakwar.

5. The petitioner has relied upon validity certificate of his real brother Anandkumar Balaji Marakwar and real sister Pragati Balaji Marakwar, which are filed on record. On the basis of the judgment in the matter of Krushna Santosh Marakwar (supra), it is submitted that the petitioner is entitled for validity on the same lines.

6. Learned A.G.P. Mr V. M. Kagne for respondent Nos.1 to 3 and learned advocate Mr S. B. Pulkundwar for respondent Nos.5 and 6 opposes the petition by submitting that no reliance can be placed on the validity of Anandkumar Balaji Marakwar and Pragati Balaji Marakwar since their castes claims were decided without following due procedure and by suppressing various documents. It is vehemently submitted that, since the committee has decided to issue

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show cause notice to those validity holders, the petitioner cannot be derived any benefit of their validities.

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

8. It has to be noted that the impugned order was subject matter of scrutiny in Writ Petition No.9062/2019, which is finally decided by judgment dated 22/08/2019. Although it has been pointed out that the committee has decided to initiate proceeding for cancellation of validity certificate of petitioner's close relatives, the fact remains that the petitioner's real brother Anandkumar and real sister Pragati have got validities, which are not disturbed as on today.

9. In view of the above, we are of the considered view that the petitioner is also entitled for grant of validity on similar lines in view of the judgment of the Principal Seat dated 22/08/2019, however, his validity shall be co-terminus with the other validity holders as per the judgment in the matter of **Shweta Balaji Isankar vs. The State of Maharashtra and others, [2018 SCC OnLine Bom 10363]** (Writ Petition No.5611/2018). Hence, we pass following order :-

(a) The writ petition is partly allowed.

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(b) The impugned order dated 17/07/2019, passed by respondent No.2/scrutiny committee is quashed and set aside to the extent of petitioner.

(c) Respondent No.2/scrutiny committee is directed to issue validity certificate to the petitioner of belonging to the '*Mannervarlu*' Scheduled Tribe, which shall be subject to the final outcome of the matter which the Committee has decided to re-open.

(d) The petitioner shall not claim any equities.

10. Rule is made partly absolute in above terms.

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

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