



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

WRIT PETITION NO. 11784 OF 2024

Anand Vijaysing Dhirbassi,
Age 29 years, Occu. Education,
R/o. Hiwari, Tq. Soegaon,
Dist. Ch. Sambhajinagar

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai - 32

2. The Scheduled Tribe Certificate Scrutiny
Committee, Ch. Sambhajinagar Region,
Chhatrapati Sambhajinagar
Through its Deputy Director (R)

.. Respondents

Mr. Pratap V. Jadhavar, Advocate for the Petitioner;
Mr. S. B. Pulkundwar, AGP for Respondents

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 10-01-2025

PER COURT:-

1. Heard both sides finally considering the exigency in the matter.

2. The petitioner is challenging the judgment and order dated 11.10.2024 passed by respondent No.2 / the Scheduled Tribe Certificate Scrutiny Committee, Chh. Sambhajinagar, invalidating his validity certificate of "Naikda".

3. The petitioner is relying on the validity certificates issued to Sachin, Bhagyashree, Swapnil, Gurunanak, Hirasing and Vinod. The learned counsel for the petitioner submits that all the validity holders are figuring in the genealogy produced before the committee. They are blood relatives and issued with the validity certificates after following due procedure of law. He further submits that since the selfsame record has already been considered on earlier occasions, the committee ought to have issued the validity certificate to the petitioner. It is further pointed out that there is common vigilance inquiry in the case of petitioner, Sachin and Harsh. Sachin was issued with the validity certificate by order passed by this Court. Therefore, on the ground of parity, the petitioner is entitled to receive validity. He further submits that the petitioner is ready to abide by law laid in ***Shweta Balaji Isankar vs. State of Maharashtra and others, Writ Petition No.6320 of 2017, dated 20.06.2017.***

4. Per contra, the learned A.G.P. supports the impugned judgment and order. He tenders on record the original papers of petitioner, Swapnil, Sachin, Prerana and Gurunanak. It is vehemently pointed out that the petitioner falls in the branch of Ravaji Krushna. In the matter of Swapnil, Prerana and Gurunanak, entire Ravaji's branch was missing in the genealogy. There is serious doubt about the relationship of the petitioner with other validity holders. He also points out that in case of Sachin,

Bhagwan's further lineal decedents were not shown. He submits that there is suppression of material facts amounting to fraud and, therefore, discretionary relief cannot be granted to the petitioner. He further submits that the committee is justified in discarding the validity certificate. There is suppression of material facts and tampering of the record.

5. We have considered the rival submissions of the parties and gone through the relevant original papers.

6. Undisputedly, there was common vigilance inquiry in the matter of present petitioner, Sachin and Harsha. Sachin was issued with the validity certificate by Co-ordinate Bench in Writ Petition No.10335 of 2024 vide order dated 20.09.2024. When there was common vigilance report, it is evident that considering the selfsame record, Sachin was issued with the validity certificate subject to condition. We have no reason to take any different view. The petitioner is entitled to receive validity certificate conditionally on the ground of parity.

7. Petitioner has rightly relied on the validity certificates of his blood relatives i.e. Bhagyashree, Swapnil, Sachin, Prerana and Gurunanak. It is contended that there is serious doubt of their relationship with the petitioner. The entire branch of Ravaji is missing in most of the genealogy. We have carefully gone through the findings of committee. Surprisingly, the committee did not

record any finding casting doubt about the relationship. The relevant record which is placed before us, was available before the committee. Despite that, no endeavour was made by the committee to record finding. This is a grave dereliction of duties by the members of the committee. It is expected of the committee, to carefully consider the record available before it.

8. We cannot entertain any submission for the first time before this Court. If during vigilance inquiry any fraud is disclosed, that must be dealt with by the committee first. It is noticed that in number of matters despite the relevant record, the committee is not recording the finding or ignoring the relevant material. If we come across such endeavor, then we will be constrained to take stringent action. We are dealing with the social status of the parties. The members of committee have to be on guards to prevent perpetuation of fraud.

9. The committee has decided to re-open earlier validites. The suppression of material facts or tampering of the record can be dealt with during the re-verification. As the petitioner is ready to run the risk of facing consequences in view of judgment in the matter of **Shweta** (supra), he is entitled to receive conditional validity. We, therefore, pass the following order:-

ORDER

- i) Writ petition is partly allowed.

- ii) The judgment and order passed by respondent No.2 / the Scheduled Tribe Certificate Scrutiny Committee, Chh. Sambhajinagar Region, Chhatrapati Sambhajinagar, dated 11.10.2024, is quashed and set aside.
- iii) Respondent No.2 / scrutiny committee shall issue tribe validity certificate to the petitioner forthwith which shall be subject to the outcome of re-verification proposed by the Committee.
- iv) The petitioner shall not claim equity.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE

rrd