



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

WRIT PETITION NO. 14162 OF 2021

Balaji s/o Venkat Govindwar,
Age : 28 years, Occu. : Service,
R/o Savarmal, Tq.Mukhed,
Dist. Nanded.
At present Wadgaon, Tq.Lanja,
Dist.Ratnagiri.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Deputy Director (Research) and
Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad.
3. The Post Master Ratnagiri
Head Office, MH SH 4, Rajiwada
Ratnagiri, District Ratnagiri.
4. Department of Posts India
Office of Inspector of Posts Offices,
Lanja Sub Division, Lanja
District Ratnagiri.

...RESPONDENTS

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Ms.Preeti D. Rane, Advocate for the petitioner (through VC).
Shri M.K. Goyanka, AGP for respondent Nos.1 and 2/State.
Shri Kulkarni Bhushan B., Advocate for respondent Nos.3 and 4.

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

DATE : 02nd January, 2025

ORAL JUDGMENT :-

Heard. Rule. Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. The petitioner is questioning the sustainability of the judgment and order dated 16.11.2021 passed by respondent No.2 Scrutiny Committee refusing to validate his 'Mannervarlu', Scheduled Tribe certificate.

3. It is being pointed out that the petitioner's real brother Sanjay Venkat Govindwar possesses a certificate of validity issued by the predecessor of respondent No.2 Scrutiny Committee by following due process of law. The vigilance enquiry was conducted and by a reasoned order, he was held entitled to have a certificate of validity.

4. True it is that the Scrutiny Committee perceives about the petitioner's brother Sanjay having actively concealed

contrary record and the Committee has expressed about reconsideration of the validity granted to him. We are informed, across the bar, that the enquiry into that aspect is going on. Obviously, it would not be appropriate for this Court to comment on sustainability of the perception of the Scrutiny Committee about Sanjay having played fraud. Incidentally, he is not before us and any observation made in that respect could cause some harm to him. Precisely for this reason, we refuse to undertake any scrutiny about the circumstances which form the basis for the Committee to attribute fraud on the part of Sanjay.

5. Admittedly, this High Court has held number of blood relatives of the petitioner entitled to have certificates of validity, albeit with a rider that those would be subject to the final outcome of the matters to be decided by the Committee in respect of the validity holder. Sanjay's daughter Shradha was found entitled to have a certificate of validity by the order passed by this Court in Writ Petition No.8121/2020 decided on 16.12.2020. Even prior thereto, Preeti Ramesh Govindwar, Santosh Vitthal Govindwar and Vaishnavi Vyankatrao Govindwar have also been held entitled to have certificates of

validity by the orders passed by this Court.

6. In the light of the above, the petitioner cannot be treated differently and would be entitled to have a certificate of validity with a similar rider.

7. The Writ Petition is allowed partly. The impugned order is quashed and set aside. Respondent No.2 Scrutiny Committee shall immediately issue a certificate of validity to the petitioner of 'Mannervarlu', Scheduled Tribe. It shall be subject to final outcome of the matters of validity holders, which the Committee has decided to reopen. The petitioner shall not be entitled to claim equities and would be bound by the undertaking furnished by him to this Court.

8. Rule is made absolute in the above terms.

kps

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