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wp 12905.25

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

WRIT PETITION NO. 12905 OF 2023

Nishant S/o Rajesh Kamtamkar,
Age: 28 years, Occu: Service,
R/o Plot No.19, Flat No.4, Shila Apartment,
Sangita Colony, Bhavsingpura Road,
Aurangabad, Dist. Aurangabad.

... **PETITIONER**

V/s.

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Member Secretary,
Aurangabad.
3. The Chief Post Master General,
Mumbai, CST, Fort, Mumbai.
4. The Post Master General,
Nagpur Region, Nagpur,
Dist. Nagpur.
5. The Superintendent of Post Offices,
Buldhana, Dist. Buldhana..

... **RESPONDENTS**

.....
Mr. S.M.Vibhute, Advocate for the Petitioner
Mr. S.V. Hange, AGP for the Respondent-State
Mr. Rahul Bagul, Advocate for the Respondent Nos.3 to 5
.....

**CORAM : MANISH PITALE &
Y.G. KHOBRAGADE, JJ.**
DATE : 5th August, 2025

JUDGMENT (Per: Y.G. Khobragade, J.) :-

1. Rule. Rule made returnable forthwith. With the consent of both the sides and it is heard finally at the stage of admission.
2. By the present petition, the Petitioner takes exception to the order dated 04.10.2023 passed by the Respondent No.2-Scrutiny Committee, thereby invalidating his "Mannervarlu" Scheduled Tribe certificate.
3. We have considered the submissions of the learned counsel for the Petitioner and the learned AGP for the Respondents.
4. Having regard to the rival submissions canvassed on behalf of both the sides, we have gone through the record. The Petitioner claims that he belongs to "Mannervarlu" Scheduled Tribe. On 26.04.2022, the petitioner came to be appointed with the Respondent No.3 Authority as a Postal Assistant from Scheduled Tribe category and presently he is working at Post Office, Malkapur, District Buldhana. On 10.06.2022, the Petitioner's Scheduled tribe claim was referred for verification to the Respondent No.2-Scrutiny Committee. However, on 14.10.2023, the Respondent No.2-Scrutiny Committee invalidated his caste claim solely on the ground that the Petitioner has failed to prove affinity test and there are adverse entry in caste column of blood relatives of the Petitioner.

5. Needless to say that the impugned order passed by the Respondent No.2-Scrutiny Committee is based on a common vigilance cell report in respect of Piyush Rakesh Kamtamkar and Aryan Rajesh Kamtamkar, the Petitioners in Writ Petition No.13077/2023 who have assailed the order dated 04.10.2023 passed by the Respondent No.2-Scrutiny Committee invalidating their Scheduled tribe claim. The Division Bench of this Court passed an order on 22.07.2024 in Writ Petition No.13077/2023 and granted conditional validity certificates subject to outcome of the matters which the committee has decided to re-open.

6. Indeed, the present Petitioner and the Petitioners in Writ Petition No.13077/2023 are real cousin brothers and said blood relations is not disputed by the Respondent No.2-Scrutiny Committee. Therefore, considering the parity, the Petitioner is also entitled to have “Mannervarlu” Scheduled Tribe conditional validity certificate as per the order dated 22.07.2024 passed by this Court in Writ Petition No.13077/2023.

7. It is a matter of record that, on 26.04.2022, the Petitioner is appointed with the Respondent No.3 under the Scheduled Tribe category and presently he is working as a Postal Assistant at Post Office, Malkapur, Dist. Buldhana. However, on 17.10.2023 the Respondent No.5-Superintendent of Post Offices, Buldhana, issued an order and terminated the services of the

Petitioner for failure to submit Scheduled Tribe validity certificate within the stipulated period. Needless to say that, on 18.10.2023, this Court passed an order in Civil Application No.12710/2023 and granted stay to the termination order dated 17.10.2023 on furnishing undertaking, which the Petitioner has duly complied with.

8. The Respondent No.2-Scrutiny Committee has not denied the paternal blood relations between the Petitioner and other validity holders in whose favour conditional “Mannervarlu” Scheduled Tribe certificates are granted as referred above. Therefore, taking into consideration the law laid down in *Mah. Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others; AIR 2023 SC 1657, Shweta Balaji Isankar Vs. The State of Maharashtra and others; 2018 SCC OnLine Bom. 10363 and Apporva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others; 2010 (6) Mh. L.J. 401*, wherein it has been concluded that when the biological father, biological siblings, biological uncle etc., are granted validity certificates, a candidate so related to them, cannot be deprived of a validity certificate. Therefore, considering the parity, the present Petitioner is entitled to have a certificate of validity, which shall be co-terminus with the decision in the matter which the committee may decide to re-open.

9. In view of above discussion, the present petition deserves to be allowed partly and the impugned order dated 04.10.2023 passed by the Respondent No.2-Scrutiny Committee as well as order dated 17.10.2023 passed by the Respondent No.5-Superintendent of Post Offices, Buldhana needs to be quashed and set aside. Accordingly, we proceed to pass the following order:

ORDER

- i. Writ Petition is partly allowed.
- ii. The impugned order dated 04.10.2023 passed by the Respondent No.2 Scrutiny Committee is hereby quashed and set aside.
- iii. The Respondent No.2 Scrutiny Committee shall issue "Mannervarlu" Scheduled Tribe validity certificate in favour of the Petitioner within a period of two weeks which shall be subject to final outcome of the matters which the committee has decided to re-open.
- iv. Ultimately, the order dated 17.10.2023 passed by the Respondent No.5-Superintendent of Post Offices, Buldhana is also quashed and set aside.
- v. In view of above Writ Petition, Civil Application No.12710/2023 stands disposed off.
- vi. Rule is made partly absolute in above terms.

[Y.G. KHOBRADE, J.]

[MANISH PITALE, J.]