



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

WRIT PETITION NO.13805 OF 2024

Sumit s/o. Achyut Mupade,
Age : 17 years, Occ. Student,
Through his natural guardian -
Achyut s/o. Vishwanath Mupade,
Age : 50 years, occ. Service,
r/o. Mangalsangvi, Tq. Kandhar,
Dist. Nanded,
at present r/o. NaikNagar,
Gargi Apartment, 1
House No.111, Nanded

..Petitioner

Vs.

1. The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Chhatrapati Sambhajinagar,
Through its Deputy Director (Research)
and Member Secretary,
Chhatrapati Sambhajinagar,
Dist. Chhatrapati Sambhajinagar

..Respondents

Mr.C.R.Thorat, Advocate for petitioner
Mr.A.R.Kale, Addl. G.P. for respondents

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : JULY 11, 2025

ORDER :-

Heard finally with the consent of learned counsel for the parties, at the stage of admission.

2. The petitioner, who is a student, claimed to be belonging to 'Mannervarlu', Scheduled Tribe. His claim came to be invalidated by respondent no.2 - Committee by the impugned order dated 23.10.2024, on the ground that there is interpolation in the school record of the petitioner's father. Hence, this Writ Petition under Article 226 of the Constitution of India.

3. It is submitted by learned counsel for the petitioner that there is no dispute in respect of the genealogy, which was submitted before respondent no.2 - Committee and a copy of which is annexed at page no.71 to this petition. He submits that the father of the petitioner namely, Achyut Mupade and the petitioner's uncle - Shamsundar Mupade are having validities towards 'Mannervarlu', Scheduled Tribe issued by respondent no.2 - Committee, after following the due procedure of law. The said validities are issued in the years 2002 and 2005, respectively. He submits that while granting the validities to the petitioner's father - Achyut, the vigilance enquiry was conducted and the Vigilance Enquiry Cell submitted the report, which was accepted by respondent no.2 - Committee. He submits that respondent no.2 - Committee invalidated the petitioner's claim on the ground that there was interpolation in the school record of the petitioner's father and vital

information was suppressed. He submits that it is the settled position under law that till the validity certificates of the blood relations are intact, a candidate cannot be deprived of the validity certificate towards the same tribe. He cited the decision of this Court at Principal Seat in the case of **Shweta Balaji Isankar Vs. State of Maharashtra and ors. (Writ Petition No.5611 of 2018 decided on 27.07.2018)**, on the point that mere issuance of a show-cause notice to the validity holder in the family, cannot be a reason to deny the validity to the candidate. Learned counsel submits that the impugned order may be quashed and set aside.

4. The petition is opposed by learned Addl. Govt. Pleader. He adverted our attention to the observations made by respondent no.2 - Committee in the impugned order, to show that the petitioner's father's validity was based on suppression of material aspects and the validities of the maternal relatives of his father was considered. He further submits that the genealogy submitted by the petitioner's father did not match with the genealogy submitted by the petitioner. He submits that respondent no.2 - Committee has issued the show-cause notice to the validity holders from the family of the petitioner and therefore, the petition may be dismissed.

5. We have perused the papers on record. There is no dispute that the tribe claim of the petitioner has been invalidated on the ground that the validity of the petitioner's father was secured by suppressing the material information and by relying on the entries of the persons who were not his blood relations. However, the fact remains that respondent no.2 - Committee has issued validity to the father and uncle of the petitioner by following due process of law, i.e. after conducting vigilance enquiry, etc.

6. It is well settled position under the law that if the validities are issued after following due process of law, the blood relatives cannot be deprived of the validity towards the same tribe. A useful reference can be made to the decisions of the Hon'ble Supreme Court in the cases of (i) **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra ors., 2023 SCC Online SC 326**; (ii) **Palghat Jilla Thandan Samudhaya Samrakshna Samithi and anr. Vs. State of Kerala and anr., (1994)1 SCC 359**; and (iii) **Jaywant Dilip Pawar Vs. State of Maharashtra and ors., 2018(5)All MR 975**. Hence, we hold that the petitioner is entitled to validity towards Mannervarlu, Scheduled Tribe, which shall be co-terminus to the validities issued in favour of his blood relations, which respondent no.2 - Committee has decided to reopen.

7. Hence, we proceed to pass the following order:-

(i) The Writ Petition is partly allowed;

(ii) The impugned order dated 23.10.2024, passed by respondent no.2 - Committee is quashed and set aside.

(iii) Respondent no.2 - Committee shall issue validity certificate in favour of the petitioner as 'Mannervarlu', Scheduled Tribe, within a period of two weeks from the date of receipt of a copy of this order, which shall be subject to the following conditions:-

(a) The validity certificate shall be subject to the outcome of reverification to be undertaken by respondent no.2 - Committee, in respect of the validity holders of the family members of the petitioner;

(b) The petitioner shall not claim equities;

(c) The petitioner shall co-operate with the respondent - Committee, whenever he is called for in case of reopening of the validity.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP