



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3338 OF 2025
IN
WRIT PETITION NO. 11127 OF 2019
WITH
WRIT PETITION NO. 11127 OF 2019

...

1. **Surendra Dattusing Chauhan** ... *Petitioner*

Versus

The State Of Maharashtra,

1. Through Its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32

2. **The Scheduled Tribes Certificate Scrutiny
Verification Committee,**
Aurangabad Division, Aurangabad.

3. **The Chief Executive Officer,** ... *Respondents*
Zilla Parishad, Latur,
Z.P. Office, Latur.

...

- Mr. Biradar R.D., Advocate for Applicant
- Mr. A. V. Lavte, AGP for Respondent Nos. 1 and 2

...

**CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.**

DATE : 25.04.2025

PER COURT :

. Heard both sides finally.

2. The civil application for production of documents is
allowed.

3. The petitioner is challenging the order of the Scrutiny Committee which invalidated his '*Thakur*' scheduled tribe certificate by the order dated 16.08.2019.

4. Learned advocate for the petitioner submits that irrespective of the fact that the committee seeks to take exception to the validity of his real brother Shailendra Dattusingh Chauhan, subsequently having faced similar invalidation, the petitioner's son, Piyush Surendrasingh Chauhan, had approached this Court in Writ Petition No. 13061 of 2021. By the order dated 12.10.2023, this Court held him entitled to have a certificate of validity, further directing that its validity would be subject to the final outcome of the matters concerning the validity holders, which the committee has decided to reopen on the ground of alleged fraud perpetrated while obtaining the certificates of validity. He, therefore, submits that till the time of the validities of all the blood relatives are not successfully recalled, the petitioner cannot be denied the benefit of the social status. He is ready to suffer the consequences as observed by this Court in the matter of *Shweta Balaji Isankar Vs. State of Maharashtra and others (Writ Petition No. 6320 of 2017)*.

5. Learned AGP submits that the committee has specifically noted that the petitioner's real sister – *Jagranidevi Dattusingh*

Chauhan had faced invalidation, which was sustained up to the High Court way back in the year 1989. Concealing such invalidation, the other blood relatives have obtained certificates of validity which would constitute intentional suppression of material facts, entitling the committee to undertake enquiry, which has already started for recalling the certificates of validity. He submits that consequently, such dubious certificates cannot form basis for granting validity to the petitioner.

6. However, the learned AGP fairly admits the fact that the petitioner's son Piyush has been held entitled to have a certificate of validity by the order of this Court.

7. Having considered the rival submissions and having perused the papers, it is evident that there is no dispute as far as the fact that the petitioner's real brother, *Shailendra*, and his own son, *Piyush* possess certificates of validity. Admittedly, pursuant to the order of this Court, *Piyush* was granted certificate of validity.

8. Applying the principles laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326*** (Paragraph No. 22), there being no dispute about the relationship between the petitioner and the

validity holders and the fact that this Court has held *Piyush* entitled to have a certificate of validity, it would constitute a 'due process of law' as laid down therein. Therefore, the consequence is axiomatic. The petitioner's real brother and son possess certificates of validity and the petitioner cannot be treated differently.

9. By the way, invalidation of a similar claim of petitioner's real sister *Jagranidevi*, which was sustained up to the High Court, in our considered view, cannot be an impediment which would enable the committee to discard the validities. In several matters this Court has taken a consistent view that the order of invalidation would merely bind the claimant and would not apply to the other blood relations on the line of principles of *res judicata* or estoppel.

10. Hypothetically, if a person is unable to discharge the burden cast upon him under Section 8 of the Maharashtra Act No. XXIII of 2001, obviously his claim may not be sustainable. However, some other blood relative may be able to discharge this burden based on the evidence available with him. If that be so, invalidation of some relative in the blood relationship cannot be a legal impediment in the matters of other blood relatives to put up a claim.

11. In light of above, the impugned order is not sustainable.

12. Needless to state that the validity of the petitioner would be coterminous with the enquiries into the validities of the blood relatives, which the committee has already reopened.

13. The writ petition is allowed partly. The impugned order is quashed and set aside. The committee shall issue certificate of validity to the petitioner of '*Thakur*' scheduled tribe, which shall be coterminous with the validities of the family.

14. The petitioner shall not be entitled to claim equities.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/