

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1188 OF 2022
(WITH CIVIL APPLICATION NO.1198 OF 2022)

Monika D/o Ramesh Rautwar
Age : 18 years, Occ : Education,
R/o Krushnur, Tq. Naigaon Kh,
Dist. Nanded.

..PETITIONER

-VERSUS-

1. The State of Maharashtra
Through it's Secretary
Medical Education and Drugs Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Dy. Director (R),
at Aurangabad.
3. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R),
at Aurangabad.
4. The Commissioner & Competent Authority,
Commissionerate of Common Entrance Test
Cell, Government of Maharashtra,
8th Floor, New Excelsior Building,
A.K. Naik Marg, Fort, Mumbai.

..RESPONDENTS

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Mr.Sunil M. Vibhute, advocate for petitioner.
Mr.S.K. Tambe, AGP for respondent nos.1 and 2
Mr. S.N. Lale Yelwatkar, Advocate for intervenor.

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CORAM : S.V. GANGAPURWALA
AND

S.G. DIGE, JJ.

DATE : 2nd FEBRUARY, 2022

JUDGMENT (PER S.G. DIGE, J) :

. Rule. Rule made returnable forthwith. With consent of both parties, heard finally at admission stage.

2. By this petition, the petitioner is challenging the impugned decision of the Scheduled Tribe Caste Certificate Verification Committee, Aurangabad – respondent no.2 (for short, “the Scrutiny Committee”) dated 15.12.2021 invalidating the tribe claim of the petitioner as belonging to “Mannervarlu”, Scheduled Tribe.

3. Heard learned counsel for the petitioner and learned AGP for the respondent/State.

4. Mr.Vibhute, learned advocate for the petitioner submits that the Scrutiny Committee has issued validity certificate to paternal cousin uncle of the petitioner namely Shekhar Gangadhar Rautwar, but this fact was not considered by the Scrutiny Committee while invalidating the tribe claim of the petitioner. The Scrutiny Committee has not considered the material evidence on record, which shows the petitioner’s caste as “Mannervarlu”. The documents produced on record i.e. the school entries of the close blood relatives of the petitioner shows caste as “Mannervarlu”. Learned

counsel for the petitioner relied upon the judgment in the case of ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Scrutiny Committee and others reported in 2010(6) Mh.L.J. 401.***

5. Mr. Tambe, learned AGP submits that the old documentary evidence produced by the petitioner shows the caste as "Mannurvar". Some of the entries of "Mannurvar" have been changed as "Mannervarlu" by interpolating the word "lu". The Scrutiny Committee has considered the documentary evidence and vigilance report on record and come to the conclusion that the petitioner is not belonging to "Mannervarlu" caste. The petitioner is also failed in affinity test. There are observation by the Scrutiny Committee that there are interpolation of entries in the documents produced by the petitioner, hence order passed by the Scrutiny Committee is legal and valid.

6. The petitioner is claiming that she belongs to "Mannervarlu" caste. The paternal cousin uncle of the petitioner is issued with caste validity certificate of "Mannervarlu" by the Scrutiny Committee. The said order is not reviewed. The genealogy produced on record shows that Shekhar Gangadhar Rautwar is the close blood relative of the petitioner. While granting validity to Shri Shekhar Gangadhar Rautwar all

aspects were considered by the Scrutiny Committee. Moreover, in the case of **Apporva (supra)**, this Court has observed that validity granted to the paternal relatives would be a relevant fact.

7. In the light of above, we pass the following order :-

ORDER

(i) The writ petition is allowed.

(ii) The impugned Judgment and order of the Scrutiny Committee is quashed and set aside.

(iii) The Scrutiny Committee shall issue validity certificate to the petitioner of "Mannervarlu", Scheduled Tribe.

(iv) The said validity certificate would be subject to the decision that may be taken by the Committee in the proceeding reopened of the validity holders relied upon by the petitioner.

8. Rule is made absolute in aforesaid terms. No costs.

9. In view of disposal of writ petition, the Civil Application stands disposed of.

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)