

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1151 OF 2022

Kum. Janhavi d/o Irwant Pallewad
Age : 18 years, Occ : Student,
R/o 1-7-896, Samarth Nagar,
Near Naik Nagar, Post Taroda,
Tq. & Dist. Nanded.

..PETITIONER

-VERSUS-

1. The State of Maharashtra
Through it's Secretary
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Plot No.10, Sector E-1,
Near Saint Lawrence High School,
Opp. CIDCO Bus Stand, Aurangabad
through its Member Secretary.
3. The Sub Divisional Officer,
Biloli, Dist. Nanded.

..RESPONDENTS

...
Mr.A.S. Golegaonkar h/f Mr.Madhur A. Golegaonkar,
advocate for petitioner.
Mr.A.S. Shinde, AGP for respondent/State.

...
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 Certificate Scrutiny 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.Golegaonkar, learned advocate for the petitioner submits that the Scrutiny Committee has issued six validity certificates to the blood relatives of the petitioner including the father – Irvant Vyankatrao Pallegad, 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 judgments in the cases of *Anand V/s Committee*

for Scrutiny and Verification of Tribe Claims and others reported in 2012(1) SCC 113, *Apoorva d/o Vinay Nichale Vs. Divisional Caste Scrutiny Committee and others* reported in 2010(6) Mh.L.J. 401, *Palaghat Jilla Thandan Samudhaya Samrakshna Samittee and another V/s State of Kerala* reported in (1994) 1 SCC 359 and *Jaywant Dilip Pawar V/s State of Maharashtra and others* reported in 2018(5) All M.R. 975.

4. Mr.Shinde, 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.

5. The petitioner is claiming that she belongs to "Mannervarlu" caste. The Scrutiny Committee has issued six validity certificates to the close blood relatives of the petitioner

namely, the father – Irvant Vyankatrao Pallewad, real paternal uncle – Shriniwas Vyankatrao Pallewad, cousin paternal grandfather – Narhari Mahajan Pallewad, cousin paternal aunt – Varsha d/o Parshuram Pallewad, cousin paternal uncle – Pawan Narhari Pallewad and Girbala d/o Madhukar Bondale. It appears from record that, in cases of the father of the petitioner and cousin paternal aunt of the petitioner, the Scrutiny Committee had invalidated their tribe claim. They filed Writ Petitions bearing Writ Petition No.1939/1994 and Writ Petition No.2900/1995 respectively before this Court and this Court has allowed the said Writ Petitions and set aside the judgments and orders passed by the Scrutiny Committee thereby remitting the matters back to the Committee for fresh consideration of the tribe claims of the petitioners therein. Thereafter, after remand of the matters, the Scrutiny Committee has validated the tribe claims of the father and cousin paternal aunt of the petitioner. The said orders are not reviewed. In the case of **Apporva (supra)**, this Court has observed that validity granted to the close blood relatives would be a relevant fact.

6. 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.

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

(S.G.DIGE, J.)

(S.V. GANGAPURWALA, J.)

SGA