

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

947 WRIT PETITION NO. 2530 OF 2023

SHRINIVAS GANGADHAR PENTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
Advocate for Respondent No. 3 : Mr. Borulkar Avinash R.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 29 AUGUST 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard both sides finally at the admission stage.
2. The present petition is emanating from judgment and order dated 26.09.2022, passed by the Scrutiny Committee invalidating the tribe claim of the petitioner for 'Mannervarlu' scheduled tribe. The petitioner has relied upon the validity certificate of his father, besides other validity holders and old record.
3. Learned AGP supports the impugned judgment and order. According to him, the school record was not compatible with the claim of the petitioner. The old record of Fasli 1352 is unreliable. Considering the manipulation in the service record, assessment list and revenue record, the tribe claim was rightly rejected by the Committee. According

to him, the Scrutiny Committee is justified in discarding the validity certificate of the father of the petitioner as it was based upon the validity certificate issued to maternal side relative.

4. Learned AGP has informed that the Committee has proposed re-verification of validity certificate issued to the father of the petitioner. To buttress the submissions, learned AGP has produced on record original file of the petitioner and validity holders. He has drawn our attention to revenue entry of Survey No. 124 to point out that the reference of caste in the revenue record is uncalled for.

5. We have considered rival submissions of the parties. Learned counsel for the petitioner has drawn our attention to the vigilance report prepared in the matter of his father Gangadhar. It reveals that the school record was taken into account by the vigilance cell. Thereafter, a reasoned order was passed issuing validity certificate to Gangadhar which is clear from original papers of Gangadhar. The old record was also taken into account. We are of the considered view that the validity certificate was issued after following due procedure of law and it should enure to the benefit of the petitioner.

6. The submissions of learned counsel in respect of the manipulation in the record is concerned, the same can be considered

during re-verification. The Scrutiny Committee has already decided to reopen the matter of father of the petitioner Gangadhar. We are, therefore, not expressing our opinion regarding Fasli record, manipulation of the record and the contrary entries.

7. We are of the considered view that unless and until the validity certificate of the father is revoked, the petitioner cannot be deprived of benefit of equal social status. The Scrutiny Committee erred in discarding the validity certificate. The impugned judgment and order is unsustainable. We, therefore, dispose of this Writ Petition by following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 26.09.2022, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.

iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]