

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

WRIT PETITION NO. 2847 OF 2022

1. Pallavi D/o. Sanjay Padalwar
Age. 25 years, Occu. Education
R/o. Eklara, Tq. Mukhed,
District. Nanded

2. Nilesh S/o. Sanjay Padalwar
Age. 22 years, Occu. Education
R/o. Eklara, Tq. Mukhed,
District. Nanded

....Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R),
at Aurangabad.

3. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Through its Dy. Director (R),
at Aurangabad.

....Respondents

Advocate for Petitioners : Mr. S.M. Vibhute
AGP for Respondents : Mr. S.K. Tambe

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

DATE : 11 JULY 2023

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

1. Rule. Rule made returnable forthwith with the consent of the parties.

2. The petitioners assail the judgment and order dated 26 November 2021, passed by the Scrutiny Committee invalidating their claims for 'Mannervarlu' scheduled tribe. The petitioners have relied upon the validity certificate of their father Sanjay Venkatrao Padalwar, validity certificates of close relatives, affidavits, extracts of the school record and reply to the vigilance report.

3. The Scrutiny Committee invalidated the caste claims because the School record of the blood relatives of the petitioners was incompatible with their claim. The contrary entries of the blood relatives were noticed during the vigilance enquiry. The place of residence of the petitioners and their ancestors were not compatible. There was manipulation of the record.

4. It was further recorded that the validity certificates of the blood relatives were procured by misrepresentation and suppression of material facts. The genealogy disclosed for procuring validity was

false. The close relative of the petitioners, Chandrakant was denied validity which was confirmed by High Court. The Committee has proposed to open the validity certificates of the relatives of the petitioners.

5. Learned AGP supports the impugned judgment and order. He submits that tribe certificate of Chandrakant was invalidated by the Scrutiny Committee and it was confirmed in WP No. 2653 of 2006. In the said judgment the relevant material and validity certificates of other relatives were considered. In the wake of said judgment, the Scrutiny Committee has rightly invalidated the tribe claim.

6. Having considered rival submissions of the parties, we notice that the genealogy is produced on record at pg. no. 33 is not in dispute. It is transpired that there are in all seven validity holders to support the petitioners. Their father Sanjay Venkatrao Padalwar was issued with the validity certificate in pursuance of the order passed by High Court in the Writ Petition No. 1943 of 1994. There was vigilance enquiry in case of their father. Their father had replied the report which is on pg. no. 56 and 58. It appears that father was issued with the validity certificate after following due procedure of law. The learned

AGP does not point out any glaring material or the circumstance to take contrary view and to discard validity of the father.

7. We are bound by the ratio laid down in paragraph nos. 22 to 24 of the Supreme Court in the matter of [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others](#), 2023 SCC Online SC 326. The petitioners are entitled to validity certificates on parity.

8. The submission of learned AGP is that the tribe certificate of Chandrakant was invalidated and the said order was confirmed by the High Court in Writ Petition No. 2653 of 2006, and therefore, that is an impediment for the petitioners in claiming the caste status, cannot be countenanced. The decision of invalidation of a claim of a close relative may not operate as *res judicata* or estoppel in considering the claim of the incumbents in future. The enquiry is subjective in nature and depends upon the material produced on record. However, the possibility of rejecting the claim because there was previous invalidation of caste claim of the relative cannot be altogether ruled out. But the respondents have not made out such a case.

9. Interestingly, we notice that in the order passed by the High Court in Writ Petition No. 2653 of 2006, the validity certificate of father of the petitioners Sanjay Venkatrao Padalwar was considered. In that view of the matter, the reference to the decision of the High Court in the matter of Chandrakant may not be helpful to the respondents.

10. We find that Scrutiny Committee arrived at perverse and patently illegal conclusions. There is a need of interference in the impugned judgment and order. However, we are of the considered view that the petitioners can have the conditional validity.

11. On facts and circumstances stated above the Writ Petition is partly allowed in following terms :

i. The judgment and order dated 26 November 2021, passed by the Scrutiny Committee, is quash and set aside.

ii. The Scrutiny Committee shall issue the caste validity certificate to the petitioners for 'Mannervarlu' scheduled tribe on condition as follows :

a. the validity certificate shall be subject to the

revocation of cancellation of the validity certificates of the blood relatives of the petitioners as proposed by the Scrutiny Committee.

b. the petitioners shall not claim any equity.

c. the petitioners shall cooperate with the Scrutiny Committee for any enquiry.

12. Rule is made absolute in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

spc/-