

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

WRIT PETITION NO. 691 OF 2018

**KIRAN LALUPRASAD YAMBADWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. A.S. Golegaonkar
AGP for Respondents : Mr. S.G. Sangale
...

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

DATE : 04 SEPTEMBER 2023

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

1. Heard learned counsel for both the sides for final disposal at the admission stage.
2. Being aggrieved by invalidation of the tribe certificate of the petitioner being 'Mannervarlu' scheduled tribe, he is before us challenging judgment and order dated 27.10.2017, passed by the Scrutiny Committee. The petitioner is relying upon validity certificates issued to Krushna, Gangaram and Gangadhar. Krushna is real brother of the petitioner. A pre-constitutional document is also relied upon by the petitioner.
3. Per contra, learned AGP supports impugned judgment and order. He would submit that the school record of the relatives of the petitioner was verified during vigilance enquiry and it was found to be

incompatible with the claim of the petitioner. The validity certificates are not reliable because they were procured by misrepresentation. The contrary record was not properly appreciated in their matters.

4. Before referring to the validity certificates, we propose to consider pre-constitutional document of Fasli 1344 (1934 AD). The document and its translation is at page no. 137. There is no discussion of the Fasli record in the impugned judgment and order. The document in question has greater probative value. We find that it was not even referred to vigilance enquiry. The document was placed on record by the petitioner along with his reply. There is reference of the document in paragraph no. 11 of the reply. Thus Committee has committed illegality in overlooking the clinching piece of evidence.

5. The petitioner is relying upon the validity certificate issued to his brother Krushna, Gangaram and Gangadhar. Learned counsel has placed on record the reasoned orders passed by the Scrutiny Committee in the matter of earlier validity holders. The relevant record is already scrutinized. We are of the considered view that the petitioner is entitled to validity certificate on certain condition. The Scrutiny Committee erred in discarding the validity certificates.

6. Learned AGP has strenuously contended that the record of Gangaram is found to be interpolated and there were contrary entries. As the Scrutiny Committee is conducting re-verification, we do not propose

to record any finding in this regard. Unless the validity certificates are revoked, the petitioner cannot be deprived of the benefit of the same social status.

7. For the reasons stated above, we pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 27.10.2017, 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.]