

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

WRIT PETITION NO. 1485 OF 2022

Swapnil S/o Prakash Gulzerwad,
Age. 23 years, Occu. Education,
R/o: Mangrul, Tq. Himayatnagar
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Deputy Director (R),
Aurangabad.
3. The Scheduled Tribe Certificate
Verification Committee Kinwat,
Through its Deputy Director (R),
at Aurangabad.
4. The Director
Directorate of Technical Education
Mahanagarpalika Marg, Mumbai.
5. The Director/Principal,
College of Engineering Pune
Shivaji Nagar, Pune

.. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 4.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 01 AUGUST 2023.**

FINAL ORDER (*Per Shailesh P. Brahme, J.*) :-

. Heard both the sides for final adjudication at the admission stage considering the urgency in the matter.

2. The petitioner is challenging the impugned judgment and order dated 15.12.2021 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe claim of the petitioner being 'Mannervarlu' (Scheduled Tribe).

3. The petitioner relies upon the validity certificates issued to Purva Ramdas Gulzerwad, Pritul Ramdas Gulzerwad, Chhaya Prakash Gulzerwad and Ramdas Tukaram Gulzerwad, which are the relatives shown in the genealogy at page No. 20 of the paper book.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the validity certificates are rightly discarded by the Committee. The Committee is justified in rejecting the caste claim of the petitioner because the record produced was incompatible with the claim.

5. It is a matter of record that Purva Ramdas Gulzerwad is the cousin of the petitioner whose caste claim was invalidated by the Scrutiny Committee by order dated 04 July 2018. She had filed Writ Petition No. 7578 of 2018. By order dated 24 July

2018 her petition was allowed and Scrutiny Committee was directed to issue conditional validity. We have perused the order passed in Purva's matter. We also propose to adopt the same course.

6. We find that the impugned judgment and order is unsustainable and deserves to be quashed and set aside. For the reasons recorded above, we dispose of the writ petition by passing following order.

O R D E R

A) The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent/Scrutiny 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 reopened matters.

B) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 23