

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

**WRIT PETITION NO. 3967 OF 2023**

Mayuri D/o Purbhaji Kumbharwad  
Age- 24 years, Occu- Education,  
R/o Chidgiri, Tq. Bhokar,  
District Nanded.

.. Petitioner

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Medical Education and Drugs Department,  
Mantralaya, Mumbai.
  2. The Scheduled Tribe Caste Certificate  
Scrutiny Committee, Kinwat,  
Through its Dy. Director ®,  
at Aurangabad, Dist. Aurangabad.
  3. The Dean  
Swami Ramanand Teerth  
Government Medical College,  
Ambajogai, Dist. Beed.
  4. The Registrar,  
Maharashtra University of Health  
Sciences, Dindori Road, Mhasrul/  
Nashik, District-Nashik.
- .. Respondents

Shri Sunil M. Vibhute, Advocate the Petitioner.  
Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 to 3.  
Shri A. R. Kale, Advocate for the Respondent No. 4.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 14 JULY 2023.**

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

. Heard learned counsel for parties and the matter is being disposed of finally at the admission stage.

2. The petitioner is challenging common judgment and order dated 02.08.2022 passed by the Scrutiny Committee invalidating the claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe).

3. Reliance is placed upon the validity certificates of Anita, Madhav and Govind. The relevant school record, affidavit, genealogy, report of vigilance enquiry, reply of the petitioner are placed on record. It is submitted that Madhav is the first validity holder. There is old record of 1949 of cousin uncle Madhav Satwaji Kumbharwad disclosing the caste.

4. The Scrutiny Committee has rejected the claim of the petitioner because the school record of the relative was not compatible with the claim. The record was of recent origin. Tampering was found in the record of Purbha. It was also noticed that the validity certificates produced on record were obtained by suppressing true facts, on the basis of bogus documents and by illegal means.

5. The learned Assistant Government Pleader supports the impugned judgment and order. During the course of hearing

original file is produced for our perusal to show the tampering and the bogus entries. It is submitted that the Committee has issued show cause notices on 05.08.2022 to all the validity holders. It is further submitted that an entry of Rajaram is incompatible with the claim of the petitioner which is of 1942. According to him the Scrutiny Committee has taken possible and reasonable view of the matter.

6. The genealogy which is produced on record at page 17 is undisputed. We find that there are other validity holders from the paternal side of the petitioner supporting her case. Nothing startling is pointed out to disbelieve the validity certificates. Merely because the Scrutiny Committee has reopened the matters of validity holders cannot be a ground to deny the benefit of social status to the petitioner.

7. We are bound by the ratio laid down by the Supreme Court in the matter of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785**. We find that the impugned judgment and order is unsustainable in the eye of law. We therefore pass the following order.

### ORDER

A. The writ petition is partly allowed.

B. The judgment and order dated 02.08.2022 passed by the respondent/Scrutiny Committee is quashed and set aside.

B. The respondent/Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) within a period of two (02) weeks from today on following conditions :

- (i) The validity certificate shall be subject to the outcome of the scrutiny undertaken by the committee for re-verification.
- (ii) The petitioner shall not claim equity and shall co-operate with the enquiry of re-verification.

C. The writ petition is disposed of. There shall be no order as to costs.

[ SHAILESH P. BRAHME, J. ]

[ MANGESH S. PATIL, J. ]

*bsb/July 23*