

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

WRIT PETITION NO. 1241 OF 2022

Gangaprasad s/o Nagesh Lolapod ...Petitioner

Versus

- 1) The State of Maharashtra
Tribal Development Department, Mumbai.
- 2) The Scheduled Tribe Caste Certificate
Verification Committee,
Aurangabad. Through its Member Secretary.
- 3) The Sub Divisional Officer,
Dharmabad, District, Nanded. ...Respondents

AND

WRIT PETITION NO. 1392 OF 2022

Nagesh s/o Sayanna Lolapod ...Petitioner

Versus

- 1) The State of Maharashtra
Tribal Development Department, Mumbai.
- 2) The Scheduled Tribe Caste Certificate
Verification Committee,
Aurangabad. Through its Member Secretary.
- 3) The Taluka Executive Magistrate,
Biloli, District, Nanded. ...Respondents

...

Advocate for Petitioners : Mr. A.S. Golegaokar i/by Mr. M.A. Golegaonkar
AGP for Respondents/State : Mr. S. G. Sangale

...

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

DATE : 03 AUGUST 2023

PER COURT :

. Heard both the sides finally. Considering the urgency expressed by the petitioners, the matter is taken up for final adjudication at the admission stage.

2. The petitioner - Gangaprasad in Writ Petition No.1241/2022 is the son of Nagesh Sayanna Lolapod, petitioner in Writ Petition No.1392/2022. Their caste validity certificates of scheduled tribe 'Mannervarlu' were invalidated by common judgment and order dated 15.12.2021 passed by the respondent no.2/Scrutiny Committee. Being aggrieved, they have approached this Court. They are placing reliance upon the judgment and order passed by the High Court in Writ Petition No.5211/2003 in the matter of Madhav Gangaram Lolapod Vs. State of Maharashtra and Others. Besides that they are also relying the old school record of the blood relatives.

3. The learned AGP supports impugned judgment and order. According to him, there is no perversity and illegality in the impugned judgment and order. The Scrutiny Committee is justified in rejecting the caste claim considering contrary entries and manipulation of the record of the close relatives of the petitioners. The Scrutiny Committee has rightly discarded the validity certificate, which was obtained by suppression of material facts. Besides that, the learned AGP submits that the Scrutiny Committee has decided to reopen the validity of Madhav.

4. The petitioners have placed on record genealogy at page no.100. There is no dispute about the relationship of the petitioners with the validity holder Madhav. It is evident that Madhav is paternal side blood relative. He was issued validity certificate by the order dated 25.11.2004 passed by the High Court in Writ Petition No.5211/2003. A copy of judgment and order is placed on record at page no.89.

5. We have gone through the judgment passed in Madhav's case. His petition was allowed on the basis of identical material. The validity certificate issued to Madhav is reliable. As per settled legal position, the petitioners are also entitled for the validity certificate conditionally.

6. It is informed by the learned AGP that the Scrutiny Committee is intending to undertake the re-verification of the certificate of a validity holder. But we are of considered view that till the validity certificate is revoked, the petitioners are entitled to have caste validity.

7. We find that the impugned judgment and order is unsustainable. We, therefore, pass the following order.

ORDER

- (i) The writ petitions are partly allowed.
- (ii) The impugned order dated 15.12.2021 passed by the respondent no.2/Scrutiny Committee is quashed and set aside.

(iii) The respondent no.2/Committee shall issue tribe validity certificates to the petitioners as belonging to '*Mannervaru*' scheduled tribe forthwith, which shall be subject to the outcome of the re-verification intended to be undertaken by the Scrutiny Committee.

(iv) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]