

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

WRIT PETITION NO. 2100 OF 2020

Amol s/o Kisanrao Bhadewad ... Petitioner

VERSUS

The State of Maharashtra and others. ... Respondents

Advocate for Petitioner : Shri S.M.Vibhute

Advocate for Respondent Nos. 1 & 2 : Mr. S.G.Sangale

Advocate for Respondent No. 3 : Mr. P.S. Mantri h/f. Mr. Shri P.V. Barde

Adv for Respondent No. 4 : Shri Shrikant S. Patil

AND

WRIT PETITION NO. 2061 OF 2020

Shrinivas S/o Madhav Bhadewad ... Petitioner

VERSUS

The State of Maharashtra and others ... Respondents

Advocate for Petitioner : Shri S.M.Vibhute

Advocate for Respondents Nos. 1 & 2 : Mr. S.G.Sangale

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

DATE : 30 AUGUST 2023

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

1. Heard both sides finally at the admission stage.
2. At the request of learned counsel for the petitioner, we have called for for the papers of WP No. 2061 of 2020. A common judgment and order is under consideration hence both these petitions can be disposed by common order.

3. The petitioner has questioned validity of judgment and order dated 17.01.2020 passed by the Scrutiny Committee rejecting his tribe claim for '*Mannervarlu*' Scheduled tribe. According to the petitioner, it is perversity to discard validity certificate of Gangadhar and Madhav.

4. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee is justified in invalidating the tribe certificates of the petitioners as the school record was incompatible with the tribe claim and validity certificates are unreliable. It is informed that the Scrutiny Committee has taken decision to reopen the matters of the validity holders.

5. We have considered the submissions of the parties. It transpires from record that there was vigilance enquiry in the matter of Gangadhar Dattarao Badhewad. The Enquiry report which is on record reveals that, relevant record was considered including the contrary record of Shankar Dhondiba Badhewad. There is no dispute that, by reasoned order, validity certificate was issued to Gangadhar, who is the first validity holder. Relying upon his validity certificate, Madhav, father of one of the petitioners, was issued with validity certificate. We find that both the validity certificates are reliable.

6. The Scrutiny Committee has committed perversity in arriving at contrary findings when self same record was foundation for

earlier validity certificates. The petitioners cannot be deprived of same social status as conferred upon the validity holders.

7. We find that impugned judgment and order is unsustainable. We therefore, allow these writ petitions by passing following order.

ORDER

- i. The common judgment and order dated 17.01.2020 passed by the Scrutiny Committee is quashed and set aside.
- ii The Scrutiny Committee shall issue tribe validity certificates to the petitioners for '*Mannervarlu*' scheduled tribe forthwith.
- iii The validity certificates shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee.
- iv. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]