

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

WRIT PETITION NO. 1992 OF 2022

1. Mansi d/o Ramdas Pilangwad,
Age : 20 years, Occu. : Student,
R/o Dholumri, Post. Sindhi,
Tq. Umri, Dist. Nanded.
2. Jagdish s/o Ramdas Pilangwad,
Age : 19 years, Occu. : Student,
R/o Dholumri, Post. Sindhi,
Tq. Umri, Dist. Nanded.
and another .. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education Department,
Mantralaya, Mumbai-32.
2. Deputy Director (Research),
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad. .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioners.
Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 12 JULY 2023.**

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

. Heard both the sides for final adjudication of the matter with their consent at the admission stage.

2. The petitioners are challenging common judgment and order dated 02.02.2022 passed by the respondent No. 2/Scrutiny Committee invalidating claim of both the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The petitioners are the real siblings. In support of their claim they are placing reliance upon the validity certificate issued in favour of their biological father Ramdas Marotrao Pilangwad, uncle Sham Marotrao Pilangwad. Besides that the vigilance report in the case of father, the validity certificates and few extracts of the school records are placed on record.

4. The learned Assistant Government Pleader supports the impugned judgment and order. Accordingly to him the scrutiny committee has rightly rejected the claim because the school record of the blood relative is not compatible with the claim of the petitioners. There were manipulations in the entries in the school record. The scrutiny committee has taken possible and reasonable view considering the contrary entries and unreliable evidence of the validity certificates.

5. He further submits that, it is rightly concluded by the

scrutiny committee that the validity certificates are unreliable because they were procured by suppressing material facts. Besides that the petitioners are not entitled to the social status because of forgery and manipulation noticed in the old record. The affinity test also does not support the case of the petitioners.

6. Having considered the submissions canvassed by the parties, we notice that the relationship is not disputed. There are validity certificates of the father and uncle. It is further noticed that the first validity holder was Shobha Gangadhar Pilangwad. She is paternal side relative. There was a vigilance enquiry in her case. The report refers at page No. 59 an old entry of the arrest warrant of the Court at Gulbarga. After following due procedure of law validity certificate was issued to Shobha. The same was relied upon while issuing validity to the father of the petitioners.

7. We follow the law laid down by the Supreme Court in **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785**. On the ground of parity we are of the considered opinion that the petitioners are entitled to validity certificates.

8. The learned Assistant Government Pleader submits that the contrary entries were suppressed while securing validity certificate in favour of Shobha who was the first validity holder. The illegality and the fraud is perpetuated and, therefore, this is

not a fit case to issue validity certificates to the petitioners. It is further submitted that the committee has decided to reopen the proceedings of the validity holders who are close relatives of the petitioners.

9. The above referred submissions cannot be accepted at this juncture. The scrutiny committee has discretion to take appropriate action if it is found that the validity certificates are procured by practicing fraud. So long as the validity certificates of Shobha and Ramdas are intact, we have no option than to rely upon their certificates and to hold that the petitioners are eligible for the caste benefits.

10. The scrutiny committee has committed perversity in rejecting the tribe claim of the petitioners. This is a fit case to interfere with the impugned judgment and order. We therefore pass following order.

ORDER

A. The common judgment and order dated 02.02.2022 passed by the respondent/Scrutiny Committee is quashed and set aside.

B. The respondent/Scrutiny Committee shall issue tribe validity certificates to the petitioners 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 petitioners shall not claim equity and shall co-operate with the enquiry of reverification.

C. The writ petition is allowed in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23