

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

WRIT PETITION NO. 405 OF 2021

Yuvraj s/o Rajanna Tummod,
Age : 19 years, Occu. : Student,
R/o Gandhi Chowk, Biloli,
Tq. Biloli, Dist. Nanded,
At Present B-7, Akruti Enclave,
Khadkeshwar, Tq. & Dist.
Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai – 32.
2. The Commissioner & Competent Authority,
Government of Maharashtra,
State Common Entrance Test
Cell, 8th Floor, New Excelsior Building,
A. K. Naik Marg, Fort,
Mumbai 400 001.
3. Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High
School, Town Centre, CIDCO,
Aurangabad, Dist. Aurangabad
through its Deputy Director,
(Research) and Member Secretary. .. Respondents

**WITH
WRIT PETITION NO. 5631 OF 2021**

Aishwarya d/o Rajanna Tummod,
Age : 26 years, Occu. : Student,

R/o Gandhi Chowk, Biloli,
Tq. Biloli, Dist. Nanded,
At Present B-7, Akruti Enclave,
Khadkeshwar, Tq. & Dist.
Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High
School, Town Centre, CIDCO,
Aurangabad, Dist. Aurangabad
through its Deputy Director,
(Research) and Member Secretary. .. Respondents

Shri C. R. Thorat, Advocate for the Petitioner in both matters.
Shri A. A. Jagatkar, A.G.P. for the Respondent Nos. 1 and 3 in
W. P. No. 405 of 2021.
Shri A. A. Jagatkar, A.G.P. for the Respondent Nos. 1 and 2 in
W. P. No. 5631 of 2021.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 SEPTEMBER 2023.**

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

. Heard both sides finally at the admission stage.

2. The petitioners are siblings of Rajanna Ramlu Tummod.
They were issued with the tribe certificates of 'Mannervarlu'
(Scheduled Tribe). Proposals were forwarded for verification of

the tribe certificates. The scrutiny committee has invalidated their tribe claims by common judgment and order dated 12.11.2020, which is questioned in the present writ petitions.

3. The learned counsel for the petitioners submits that he is relying on validity certificates of ten close relatives of the petitioners, which can be seen from the genealogy. Out of them two are issued with the validity certificates by the orders of this Court. He has placed on record orders passed by this Court.

4. Per contra, the learned Assistant Government Pleader supports the impugned judgment and order. According to him the Scrutiny Committee is justified in rejecting the caste claim because contrary entries were noticed in the school record and there was manipulation in the school record of Sanjay and Rukhmaji. He would further submit that there is no error of jurisdiction or perversity in the impugned judgment and order. The validity certificates are rightly discarded by the Committee. He would therefore urge to dismiss the petitions.

5. We have considered the submissions of the learned counsel for the parties. Our attention is invited to page No. 46 of the impugned judgment, which is the list of validity holders in the family of the petitioners. We find that father, real cousin and real sister of the petitioners are issued with the validity certificates. The vigilance enquiry report in the matter of their father is placed on record. It shows that there was verification of school record. By speaking order he was issued with the validity

certificate. The learned A. G. P. has failed to demonstrate any reason for discarding the validity certificates. In view of law laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** reported in **2023 SCC Online SC 326**, we rely upon the validity certificates.

6. The learned counsel for the petitioners has placed on record common judgment and order dated 21 June 2023 passed by this Court in the matter of Rushikesh Vitthalrao Tummod, Kishor Vitthalrao Tummod and Rohit Nagnath Tummod. They are children of Vithal Tummod and Nagnath Tummod, which can be ascertained from the genealogy at page No. 84 of the petition. On the self same record and relying upon the orders of the coordinate bench passed in the matter of Anuja Linguram Tummod, we had directed the Scrutiny Committee to issue tribe validity certificates to the said petitioners conditionally. An order passed the Division Bench of this Court at Principal Seat at Bombay in the case of Anuja Linguram Tummod is also before us. We propose to adopt the same course. The petitioners are entitled to validity certificates on certain conditions.

7. We find that the impugned judgment and order is unsustainable. We propose to pass following order.

ORDER

A. The writ petitions are partly allowed.

B. The impugned common judgment and order dated 12.11.2020 passed by the respondent/Scrutiny Committee is quashed and set aside.

C. The respondent/Scrutiny Committee shall issue tribe validity certificates to the petitioners as belonging to the 'Mannervarlu' (Scheduled Tribe) forthwith.

D. The said validity certificates shall be subject to the outcome of the reverification undertaken by the scrutiny committee of the validity holders.

E. The petitioners shall not be entitled to claim equities.

F. The writ petitions are disposed of in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23