

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

WRIT PETITION NO. 3713 OF 2021

**BHAGYASHRI YOGIRAJ SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**AND
WRIT PETITION NO. 3733 OF 2021
WITH
CIVIL APPLICATION NO. 2177 OF 2022**

**ADITYA YOGIRAJ SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. A.S. Golegaonkar
h/f Mr. M.A. Golegaonkar
AGP for Respondent/s – State : Mr. S.G. Sangale
Advocate for Respondent No. 4 in WP/3733/21 : Mr. S.G. Karlekar
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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATED : 21 July, 2023

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

1. Heard both sides for final adjudication with their consent.
2. The petitioners in both the petitions are children of Yogiraj Digambar Suryawanshi. Their caste claims were invalidated by common judgment and order dated 22 January 2021. Therefore, both the petitions are being decided together by common order.

3. The petitioners are relying upon the validity certificates issued to paternal side blood relatives. A genealogy is produced on record on page no. 84. Besides that there is vigilance report, relevant extracts of the school record, affidavits, the reply submitted to the report to support the case of the petitioners.

4. Learned AGP supported the impugned judgment and order. According to him the Scrutiny Committee has rightly considered the contrary entries. The school records of Ratan Shrirang Thakur, Yogiraj Digambar Suryawanshi, Chandrakala Shrirang Thakur, Shobha Shrirang Thakur, show manipulation. The affinity test was also held to be against the petitioners. The validity certificates procured by misleading the then Scrutiny Committee and are unreliable. The Scrutiny Committee has decided to re-open the validities. Hence, learned AGP would submit that no interference is called for in the impugned judgment and order.

5. It transpires that the petitioners are related to Ananda Ganesh @ Ganpat Suryawanshi. He is paternal side relative whose Writ Petition No.11709/2019 is allowed by us. The genealogies in the present matter and that in the matter of Anand tally. Despite that we

have conducted independent assessment of the matter considering the material placed on the record.

6. There are four validity holders in the family who are related from paternal side. Their validity certificates are intact. Nothing is brought on record by learned AGP to disbelieve the validity certificates. The adverse entries and the record already suffered scrutiny in case of the validity holders. In view of the law laid down by the Supreme Court in case of [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others](#), 2023 **SCC Online SC 326**, the petitioners have made out a case for issuing validity certificates on certain conditions.

7. Learend AGP has pointed out the school entries of Bandopant Digambar Thakur, Dnyanoba Digambar Thakur, Janardan Bhanudas Thakur, to show that consistently the entry is of 'Thakar' which is incompatible with the claim of the petitioners. He would submit that the school record of the contrary entries of the relatives was confirmed by the vigilance cell from Headmaster of the school at Patoda, showing caste as 'Hindu'. An interpolation was also noticed in case of Yogiraj Digambar Suryawanshi. It is further submitted that the

petitioners and their relatives are not found to have been migrated from the scheduled area.

8. So far as the above referred submissions of the learned AGP are concerned, as the Scrutiny Committee has decided to reopen the validity certificates, we offer no comment on the above submissions. The Scrutiny Committee during the course of re-verification can look into the matter to determine whether there was a fraud played by the validity holders. At this juncture, we are bound by the law laid down by the Supreme Court. We find that the petitioners are entitled to validity certificates.

9. The impugned judgment and order is arbitrary and unsustainable. We pass the following order :

- i. The common judgment and order dated 22 January 2021, passed by the Scrutiny Committee, is quashed and set aside.
- ii. The Scrutiny Committee shall issue caste validity certificates in favour of petitioner no. 1 – Bhagyashri Yogiraj Suryawanshi and petitioner no. 2 – Aditya Yogiraj Suryawanshi, for ‘Thakur’

scheduled tribe, on following conditions :

a. That the caste validity certificates shall be subject to the outcome of re-verification of validity holders proposed by the Scrutiny Committee.

b. That the petitioners shall not claim any equities.

10. In above terms, Writ Petitions are disposed of.

11. Civil Application stands disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/