

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

WRIT PETITION NO.2215 OF 2022

Sanjay s/o Manika Gadewad

... **PETITIONER**

VERSUS

1. The State of Maharashtra
through its Principal Secretary,
Higher and Technical 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**

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Advocate for Petitioner : Mr. C.R. Thorat
A.G.P. for respondents : Mr. S.G. Sangale

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

DATE : 01.08.2023

ORDER (MANGESH S. PATIL, J.) :

The petitioner has been held to be qualified in the examination for recruitment of Clerks in Maharashtra Group “C” Services Pre-Examination – 2021 conducted by the Maharashtra Public Service Commission and is anxious to get his matter decided finally. For this reason we have with the consent of both the sides heard the matter finally at the stage of admission.

2. The Committee has discarded the petitioner's claim on the ground that there are contrary entries in the caste column of school record of his paternal uncle Sadashiv and Raosab of the years 1970 and 1973 respectively. It has observed that in the caste column entries have been made as 'Munurvar' and 'Marathi'. It has also observed that in the school record of petitioner's sister Sunita in the caste column there is a manipulation where 'Maratha' has been scored off and replaced by word 'Mannervarlu'. According to the Committee these are the contrary entries which were concealed by the validity holders and for this reason the Committee has refused to grant benefit of the validity certificates issued to the validity holders Raosaheb Gangaram Gadewad who is petitioner's paternal uncle, Ganpat Sadashiv Gadewad who is his first degree cousin and Rupesh Shivajirao Gadewad another first degree cousin. It has been observed that without following the due process the then Committee headed by one Mr. V.S. Patil had illegally issued the validity certificate to Raosaheb Gangaram Gadewad and the committee intends to reopen the cases of all these validity holders.

3. Since the Committee has now decided to undertake a reverification of the validity holders certificates, the circumstances which according to the Committee constitute fraud, in our considered view can be taken care of by the Committee in those matters to be reopened. Suffice for the purpose to observe that since the petitioner's paternal uncles and sister who are the validity holders are not before us, any comment made by us in

this order touching the aspect of alleged fraud could have a bearing on the inquiry to be undertaken by the Committee and would cause a serious prejudice to them. We are, therefore, consciously avoiding to undertake that scrutiny.

4. So long as the validity certificates of these many validity holders who stand in the blood relations from the paternal side are not confiscated and cancelled in accordance with the law, those will have to be treated as valid. The petitioner cannot be deprived of deriving the benefit at his own risk since the Committee has now decided to reopen the validities.

5. The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate to the petitioner as belonging to "Mannervarlu" scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.

6. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)