

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 2238 / 2022

Rajesh Ramrao Mundkar

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Deputy Director (R).
3. The Commissioner & Competent Authority,
State CET Cell, Maharashtra State,
Mumbai. (Controller of Admission Process). ...Respondents

Mr. P. V. Jadhavar, Advocate for the Petitioner.

Mr. A. S. Shinde, AGP for respondents/State.

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

DATE : 1 SEPTEMBER 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally.

1. The petitioner is assailing the impugned judgment and order dated 01.02.2022 passed by the respondent no.2/Scrutiny Committee, invalidating his claim as belonging to Mannervarlu scheduled tribe. He is relying upon the validity certificates issued to his father Ramrao and uncle Laxman.

2. The learned AGP supports the impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claim because there were contrary entries in the school record of Rajaram and tampering was found in the record of father and uncle. He would submit that the caste certificates which are sought to be relied upon were secured by suppression of material facts. The Scrutiny Committee has proposed re-verification of the validity holders.

3. The learned AGP has produced on record the original papers of petitioner and validity holders. The original record is useful to examine whether the validity holders were issued with validity certificates after following due procedure of law or not.

4. It transpires from record that there was vigilance enquiry in the matter of Laxman, uncle of the petitioner. The vigilance report reveals the consideration of old record. The old record of the grandfather of the petitioner has a probative value. Followed by reasoned order for issuing validity certificate to Laxman. Father of the petitioner Ramrao was also issued validity certificate by reasoned order. We find that both the validity certificates were issued after following due procedure of law. They should enure to the benefits to the petitioner.

5. The learned AGP has strenuously submitted that coloured photocopies indicate contrary record. We do not think it proper to comment upon the submission of the learned AGP. The objections regarding the contrary entries and manipulation of the record can be gone into by the Committee during re-verification.

6. It is the contention of learned AGP that the validity certificates of Laxman and Ramrao are defective being based on the validity certificates of Ramchandra and Vishwanath. He would submit that the validity certificates are rightly discarded by the Scrutiny Committee. These submissions cannot be countenanced for the reason that unless the validity certificates of Ramrao and Laxman are revoked, the petitioners cannot be denied the same social status.

7. We hold that the impugned judgment and order is unsustainable. We propose to allow the petition partly by passing following order.

ORDER

- (i) The impugned judgment and order dated 01.02.2022 passed by the Scrutiny Committee is quashed and set aside.
- (ii) The Scrutiny Committee shall issue tribe validity certificate of Mannervarlu scheduled tribe to the petitioner forthwith which shall be subject to outcome of the re-verification.
- (iii) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]