

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

WRIT PETITION NO. 4569 OF 2021

ASHWINI GANGAYYA ANNAMWAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

....  
Advocate for Petitioner : Mr. Vibhute Sunil M.  
AGP for Respondent Nos. 1 to 3 : Mr. A.A. Jagatkar  
Advocate for Respondent No. 4 : Mr. A.S. Bayas  
....

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

**DATE : 17 OCTOBER 2023**

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

Heard both the sides finally at the admission stage.

2. The petitioner is challenging judgment and order dated 18.12.2020, passed by respondent no. 2 – Scrutiny Committee, invalidating her tribe certificate of ‘Mannervarlu’ and confiscating it. She seeks reliance upon the validity certificates of Sunil and Sachin. Learned counsel for the petitioner submits that self same record was earlier considered by the Committee while granting validity certificate to Sunil. Self same record was considered even by High Court while allowing Writ Petition filed by Sachin. He submits that the petitioner is entitled to validity certificate conditionally.

3. Per contra, learned AGP would support impugned judgment and order. According to him, the Scrutiny Committee has rightly rejected the caste claim considering the contrary entries of

Kisan, Narsingrao, Kalawati and Prakash. The Committee is justified in discarding validity certificates. He would submit that no case is made out by the petitioner to interfere with the impugned judgment and order.

4. Learned AGP has informed that the Committee has proposed to reopen the matter of Sunil. The original files of the petitioner and validity holder Sachin are placed on record.

5. We have considered the rival submissions of the parties. The petitioner has placed reliance upon the genealogy which is at page no. 16. The petitioner is from the branch of Shivanna Devanna Annamwar. The validity holder Sunil and Sachin are from the branch of Shambhu Devanna Annamwar. Learned AGP has objected the relationship of the petitioner with the validity holder. The genealogy prepared by the Vigilance Officer is stated to be inconsistent with genealogy proposed by the petitioner. Learned AGP has referred to the statements of Gangayya Devanna Annamwar and Sunil Prakash Annamwar.

6. We have gone through the genealogy prepared by the Vigilance Officer during the vigilance enquiry. We have also gone through the statement of Sunil Prakash Annamwar and Gangayya Devanna Annamwar. We find that genealogy which is at page no. 16 is incompatible but it tallies with the genealogy prepared by the Vigilance Officer in material particulars. Considering the statements referred above and the genealogies, we do not find that there is

any suppression of material facts or element of fraud. We have considered genealogy prepared by Vigilance Officer in the matter of Sachin. The submissions of learned AGP in this regard cannot be accepted.

7. Learned counsel for the petitioner has placed on record order dated 27 June 2023, passed by our Bench in the matter of Sachin Prakash Annamwar Versus State of Maharashtra and others, in Writ Petition No. 1712 of 2022. Admittedly, Sachin is paternal side uncle of the petitioner. His caste certificate was invalidated by the Committee. His petition was allowed by our Bench and he was issued with validity certificate. Sunil was also issued with validity certificate by the Committee. Both the validity certificates are issued by following due procedure of law. We find that the petitioner has made out a case for issuing validity certificate conditionally. The findings of the Committee for discarding the validity certificates are unsustainable.

8. Learned AGP vehemently pressed into service the incompatible school record of the relative of the petitioner. Our attention is invited to the table of the school record indicating caste as 'Munnurwar' which is at page no. 33. From the genealogy, it can be seen that the persons whose school record is sought to be relied upon by learned AGP are from the branch of Shambhu Devanna. Considering the same record Sunil and Sachin were issued with validity certificates. Both the validity holders are from the branch of

Shambhu Devanna. It is not permissible to discriminate the petitioner. We do not accept the submissions of learned AGP.

9. On one hand, learned AGP is disputing the relationship of the petitioner with Sunil and Sachin by referring to different genealogies and on the other hand, the contrary record of the persons falling in the branch of Shambhu Devanna is pitted against the petitioner. These submissions are self contradictory. The Committee has proposed re-verification of the validity certificate of Sunil. We, therefore, are of the considered view that the petitioner is entitled to validity certificate subject to certain conditions. The impugned judgment and order is unsustainable. We, therefore, pass following order :

### **ORDER**

- i. The impugned judgment and order dated 18.12.2020, passed by the respondent no. 2 - Scrutiny Committee, is quashed and set aside.
- ii. The respondent no. 2 - Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' scheduled tribe to the petitioner, forthwith.
- iii. The validity certificate shall be subject to outcome of the re-verification intended by the Scrutiny Committee.

iv. The certificate of validity shall be issued in the prescribed format without incorporating any additions/conditions.

v. The petitioner shall not be entitled to claim any equities.

**[ SHAILESH P. BRAHME, J. ]**

**[ MANGESH S. PATIL, J. ]**

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