

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 2093 / 2018**

Pawan s/o Suresh Perke,
 Age 19 years, Occu. Student,
 Presently residing at-
 House No.17, Near Hanuman Temple,
 Geeta Nagar, Post-Anand Nagar,
 Taroda (Bk), Tq. & Dist. Nanded.

...Petitioner**Versus**

1. The State of Maharashtra,
 Through its Secretary,
 Tribal Development Department,
 Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
 Scrutiny Committee, Aurangabad Region,
 Aurangabad.
 Through its Member Secretary.
3. The Sub-Divisional Officer,
 Degloor,
 District Nanded.

...Respondents

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Mr. Madhur A. Golegaonkar and A.S. Golegaonkar,
 Advocate for the Petitioner .

Mr. S. G. Sangale, AGP for Respondent Nos. 1 to 3/State

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

DATE : 24 JULY, 2023.

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

. Heard both the sides for final adjudication at the admission stage.

1. The petitioner is aggrieved by the judgment and order dated 27.10.2017 passed by the respondent no.2/Scrutiny Committee, invaliding the tribe certificate of the petitioner and confiscating the same. The petitioner relies upon the validity certificates issued to his father and sister. He is also relying upon school record, orders passed by the High Court in Writ Petition No.10489/2017, affidavits, genealogy and revenue record.

2. Per-contra the learned AGP supports impugned judgment and order. According to him, the school record of the relatives was incompatible with the claim of the petitioner. The caste 'Perkewad' was shown in the record. The validity certificate issued to the father Suresh and sister Sudhamaiyya are not reliable because the relevant record was not taken into account, before issuing them validity. The Scrutiny Committee rightly held that the validity certificates were procured by suppressing material fact and

showing incomplete genealogy. He would also support the affinity test. According to him no interference is called for in the impugned judgment and order.

3. The learned AGP would further submit that the vigilance report in the matter of sister of the petitioner was undated and it was suspicious. On instructions, it is informed that the re-verification of the validity certificate of father is underway. The petitioners' sister is issued show cause notice for re-verification.

4. The petitioner is relying upon validity certificate issued to his father and sister. Their validity certificates are not revoked till this date. The learned AGP did not point out any material to take any contrary view to rely upon the validity certificates. In view of law laid down by the Supreme Court in the case of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others**, reported in 2023(2) Mh.L.J. 785, the petitioner is entitled to the benefit of social status.

5. The submission of learned AGP pertaining to the

vigilance report in the matter of sister of the petitioner and the contrary entries can be taken care of during the proceeding of re-verification. The impugned judgment and order is discriminatory and perverse. We, therefore, pass following order.

O R D E R

- (i) The writ petition is partly allowed.
- (ii) The judgment and order dated 27.10.2017 passed by the respondent no.2/Scrutiny Committee, is quashed and set aside.
- (iii) The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Mannervarlu' to the petitioner within a period of two weeks on following conditions that:
 - (a) the validity certificate shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee in case of father and sister of the petitioner.
 - (b) the petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]