

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

WRIT PETITION NO. 4846 OF 2021

BALAJI GOVINDROA KANTEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner : Mr. Madhur A. Golegaonkar
AGP for Respondent Nos. 1 to 3 : Mr. S.G. Sangale
....

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

DATED : 03 AUGUST, 2023

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

1. Heard both sides finally at the admission stage.
2. The petitioner is challenging judgment and order dated 28.07.2018, passed by the Scrutiny Committee, invalidating his claim for 'Mannervarlu' scheduled tribe. The petitioner is relying upon the validity certificates issued to his sister Dhanashree, cousin Nagamani and father Govind. According to him, due procedure of law was followed in granting them validity certificates and already the entire material was scrutinized by the Scrutiny Committee.
3. Per contra, learned AGP submits that the Scrutiny Committee has rightly considered the contrary entries recorded in the school record of the close relatives, manipulation of the school record

and the affinity test. No fault can be found in the impugned judgment and order.

4. The genealogy which is produced on record shows that validity certificates were issued to father of the petitioner Govind, sister Dhanashree and cousin Nagamani. There is no dispute over the relationship. The submission of learned counsel for the petitioner that due procedure of law was followed in granting validity certificates to above referred persons is not seriously contested by learned AGP. In that view of the matter, considering the law laid down by the Supreme Court in the matter of [*Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others*](#), **2023 SCC Online SC 326**, we hold that the petitioner is entitled to get validity certificate conditionally.

5. It is matter of record that the Scrutiny Committee has recorded that there are contrary entries in respect of persons who are shown in the table at page no. 68 and 69. The petitioner has pointed out from the reply submitted by him to the vigilance report that the persons are not related to him. The objections of the learned AGP regarding suppression of material facts while securing the validity certificates by the validity holders can be looked into by the Scrutiny Committee during the course of re-verification. Till the

validity certificates are revoked, the petitioner is entitled to the equal social status. Learned AGP has informed that the Scrutiny Committee has decided to re-open the matters of the validity holders and issued show cause notices also.

6. For the reasons recorded above, the Writ Petition is allowed partly. The impugned judgment and order passed by the Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificate for 'Mannervarlu' scheduled tribe within a period of two weeks from today, on condition that the validity certificate shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee and the petitioner shall not claim any equity.

7. The petition is disposed of accordingly.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)