

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

971 WRIT PETITION NO. 3259 OF 2022

DIKSHITH NARSAYYA AINLOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
....

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

DATED : 22 AUGUST, 2023

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

1. Heard both the sides finally at the admission stage.
2. The petitioner is challenging the judgment and order dated 15.12.2021, passed by the Scrutiny Committee invalidating the tribe claim of the petitioner for being 'Mannervarlu'. The petitioner is relying upon eight validity holders.
3. Per contra, learned AGP would oppose the caste claim of the petitioner. According to him, the Scrutiny Committee has not committed any illegality or perversity. There was no convincing material before the Scrutiny Committee to support the petitioner. The school record was not compatible with the caste claim. The validity

certificates were not reliable because those were procured by suppression of material facts. He would urge to dismiss the petition.

4. The petitioner has placed on record a genealogy during the course of hearing which is consistent with the genealogy which is already on record. It can be seen that there are number of validity holders to support the petitioners. The first validity holder is Vinodkumar. Self same record was considered and he was issued with validity certificate. Learned AGP is unable to point out any circumstance to doubt about his validity certificate. The contrary entries were considered by the Scrutiny Committee in his matter. We find that the validity certificate is reliable and should enure to the benefit of the petitioner.

5. Learned AGP has informed that the Scrutiny Committee has undertaken re-verification of the validity holders. The ends of the justice would be met by directing the Scrutiny Committee to issue validity certificate to the petitioner on certain conditions.

6. The impugned judgment and order is arbitrary and unsustainable. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.

- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall forthwith issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, on a condition that the validity certificate shall be subject to final outcome of the re-verification undertaken by the Scrutiny Committee.
- iv. The certificate of validity shall be issued strictly in the prescribed format without incorporating other conditions /additions.
- v. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)