

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

WRIT PETITION NO. 4617 OF 2022

**GANGAPRASAD S/O. GANGADHAR LAKHMAWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**AND
WRIT PETITION NO. 4620 OF 2022**

**SWIKRUTI GANGADHAR LAKHMAWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Advocate for Petitioners : Mr. A.S. Golegaonkar
h/f. Mr. M.A. Golegaonkar
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale

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

DATED : 21 July, 2023

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

1. Heard learned counsel for the respective parties and considering the urgency proceeded finally.
2. Both the petitioners are children of Gangadhar. Their caste claims for 'Mannervarlu' scheduled tribe, were rejected by a common judgment and order dated 15 December 2021, which is under challenge in both the petitions. Therefore, both the petitions are disposed of by common order.

3. The petitioners have produced on record genealogy, three validity certificates of paternal side relatives, vigilance report, the extracts of the school record, vigilance report in case of validity holder Bhagyalaxmi for our perusal. They would submit that despite having cogent material to support the caste claim, the Scrutiny Committee decided against them.

4. Per contra, learned AGP would support the impugned judgment and order. According to him, there were contrary entries in the school record of the close relatives like Dharmanna Devanna Lakhmawad, Gangadhar Devanna Lakhmawad and Bhagyalaxmi Dharmanna Lakhmawad. The revenue record was incompatible. The place of residence of the petitioners and their forefather also did not tally with the tribe under question.

5. Learned AGP would submit that the validity certificates were procured on the incorrect genealogy and false information. The affinity test was also recorded against the petitioners. The Scrutiny Committee has issued show cause notice to the validity holders.

6. The petitioners are relying upon validity certificates of their father Gangadhar Devanna Lakhmawad, uncle Dharmanna Devanna Lakhmawad and cousin sister Bhagyalaxmi Dharmanna

Lakhmawad. The relationship is not disputed. We notice that there was vigilance enquiry in case of Bhagyalaxmi. The validity certificates were issued after following due procedure of law and those are reliable. Therefore, on the ground of parity, entries in the school record of uncle Dharmanna was considered in the matter of Bhagyalaxmi. Therefore, after considering the record the validity certificates were issued then at this stage, there is no reason for us to deprive the petitioners from the caste benefit.

7. As the Scrutiny Committee has decided to reopen validity certificates of the close relatives of the petitioners, we deem it appropriate to impose certain conditions for issuing validity certificates to the petitioners.

8. The impugned judgment and order is unsustainable. We, therefore, dispose of the petition by following order :

- i. The common judgment and order dated 15 December 2021, is quashed and set aside.
- ii. The Scrutiny Committee shall issue caste validity certificates in favour of petitioners on following conditions :

- a. That the caste validity certificates shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee.
- b. That the Scrutiny Committee shall conclude the reopened matters within a period of six months from today.
- c. That the petitioners shall co-operate with the Scrutiny Committee.
- d. That the petitioners shall not claim any equities.

9. The Writ Petitions are disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/