

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 4260 / 2022

Sujata Raghunath Mardode,
 Age 22 years, Occu. Student,
 R/o. Joshi Sangavi, Tq. Loha,
 Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
 Through its Secretary,
 Tribal Department,
 Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
 Scrutiny Committee, Aurangabad.
 Through its Deputy Director (R).
3. The Principal,
 Agriculture College, Latur,
 Tq. & Dist. Latur.
4. The Registrar,
 Vasantrao Naik Marathwada Krushi Vidyapeeth,
 Parbhani, Tq. & Dist. Parbhani.

...Respondents

WITH

Writ Petition No. 4261 / 2022

Pavan Sanjay Mardode,
 Age 27 years, Occu.: Student,
 R/o. Joshi Sangavi, Tq. Loha,
 Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
 Through its Secretary,
 Tribal Department,
 Mantralaya, Mumbai.

2. The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad.
Through its Deputy Director (R).
3. The Principal,
Walchand College of Engineering, Sangli,
(An Autonomous Institute)
Tq. & Dist. Sangli.

...Respondents

Writ Petition No. 4303 / 2022

Pratiksha Devidas Mardode,
Age 22 years, Occu.: Student,
R/o. Joshi Sangavi, Tq. Loha,
Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad.
Through its Deputy Director (R).
3. The Principal,
Agriculture College, Latur,
Tq. & Dist. Latur.
4. The Registrar,
Vasantrao Naik Marathwada Krushi Vidyapeeth,
Parbhani, Tq. & Dist. Parbhani.

...Respondents

Writ Petition No. 4308 / 2022

Sujit Govindrao Mardode,
Age 31 years, Occu.: Service,
R/o. Joshi Sangavi, Tq. Loha,
Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad.
Through its Deputy Director (R).
3. The Deputy Director,
Health Services (Transport, Pune),
Tq. & Dist. Pune.

...Respondents

Mr. Pratap V. Jadhavar, Advocate for the Petitioner in all petitions.

Mr. S. G. Sangale, AGP for respondents/State in all petitions.

Mr. B. A. Shinde, Advocate for respondent no.3 and 4 in Writ Petition
Nos. 4260/2022 and 4303/2022.

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

DATE : 18 JULY, 2023.

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

. Heard both the sides. The matter is taken up for final disposal with their consent.

1. All the four writ petitions are of the close relatives of each other and the subject matter is the common judgment and order dated 02.03.2022 passed by the Scrutiny Committee invaliding their caste claim. There is a common record in the matters. Hence petitions are being decided by common judgment and order. For the sake of convenience the papers of writ petition no.4260/2022 in the matter of Sujata are referred to.

2. The petitioners rely upon the validity certificates issued in favour of father of each petitioner. They further rely upon extract of the school record, genealogy, affidavit, vigilance report and reply to the report. The petitioners submit that there is no dispute about relationship with the validity holder. The validity certificates were secured by following due procedure of law.

3. Per-contra learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has arrived at possible and reasonable conclusion based upon various entries. The validity certificates were rightly discarded. The affinity test was against the petitioners.

4. The learned Counsel further invites our attention to the manipulation which is at page no.40 in respect of Manika Naruji and the disappearance of the school record which culminated into filing of FIR No. 78/2014.

5. We have considered the rival submissions of the parties. The genealogy is produced on record which is at page no.39. Interestingly every petitioner's father has been granted validity certificate. The vigilance report and the reply to the same are on record. The contrary entries pointed out by the learned AGP are already considered by the Scrutiny Committee on earlier occasions. We are of the view that the validity certificates need to be relied upon in view of the principles laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785

6. The Scrutiny Committee has decided to reopen the matters of the validity holders. The Scrutiny Committee can deal with the objections pointed out by the learned AGP regarding the manipulation in the school record of blood relative, Manika as well as the dubiousness of the school record which is the subject matter of FIR No.78/2014. So long as the validity certificates are not cancelled, the petitioners cannot be deprived of the caste benefits.

7. We find that the impugned judgment and order is perverse and discriminatory. We therefore pass following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The common judgment and order dated 02.03.2022 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Scrutiny Committee shall issue tribe validity certificate of scheduled tribe 'Mannervarlu' in favour of the petitioners within a period of two weeks which shall be subject to following conditions.
 - (a) The caste validity certificate shall be subject to the outcome of the re-verification of validity certificates of close relatives of the petitioners.
 - (b) The petitioners shall not claim any equity.
 - (c) The petitioners shall cooperate with the Scrutiny Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]