

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

WRIT PETITION NO. 3904 OF 2022

Seeta D/o Gyanoba Bachewad,
Age : 24 years, Occu - Education
R/o Rittha Tq. Bhokar,
Dist. Nanded,
Through Power of Attorney Holder,
Amol S/o Gyanoba Bachewad
Age 28 Years, Occu. : Education,
R/o As above. .. Petitioner

Versus

1. The State of Maharashtra,
Through its secretary,
Medical Education and Drugs Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Verification Committee Kinwat,
Through its Dy. Director ®,,
At Aurangabad.
3. The Dean
Rajarshi Chhatrapati Shahu Maharaj
Government Medical College Kolhapur,
Dist. Kolhapur.
4. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, District – Nashik. .. Respondents

Shri S. M. Vibhute, Advocate for the Petitioner.
Shri A. A. Jagatkar, A.G.P. for the Respondent Nos. 1 to 3.
Mrs. Vaishali S. Chudhari, Advocate for the Respondent No. 4.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 11 JULY 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard learned counsel for parties for final disposal of the petition.

2. The petitioner is assailing judgment and order dated 23.02.2022 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The petitioner relies upon various documents besides the validity certificate issued in favour of her paternal cousin Sunita and validity certificate of Sanjivkumar.

4. The Scrutiny Committee rejected the claim of the petitioner because the school record of the blood relatives of the petitioner was inconsistent. There were contrary entries. The affinity test was against the petitioner. The validity certificates of Sunita, Sanjivkumar, Shashank, Pralhad and Ravikumar were discarded.

5. The learned Assistant Government Pleader for respondent Nos. 1 to 3 supports the impugned judgment and order. He further submits that validity certificates were procured by suppressing material facts. The Scrutiny Committee has decided

to reopen the validity certificates relied upon by the petitioner of the blood relatives.

6. The validity certificate issued in favour of Sunita can be accepted. The relationship is not disputed. The genealogy is placed on record at page No. 16 of the petition. We do not find any material to take contrary view and deprive the petitioner from the tribe benefit. We are fortified in our view by the judgment rendered by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023(2) Mh.L.J. 785**.

7. The Scrutiny Committee discriminated the petitioner in rejecting her tribe claim. The impugned judgment and order is unsustainable in the eye of law. We are of the considered view that the petitioner is entitled to receive validity certificate conditionally.

8. We therefore pass following order.

ORDER

A. The writ petition is partly allowed.

B. The judgment and order dated 23.02.2022 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

C. The respondent No. 2/Scrutiny Committee shall issue

validity certificate of 'Mannervarlu' (Scheduled Tribe) to the petitioner within a period of two (02) weeks from today.

D. The validity certificate issued to the petitioner shall be subject to the decision of the Committee in case of revocation or cancellation of certificates of validity holders, relied by the petitioner.

E. The petitioner shall not claim any equity in case the validity certificates of the blood relatives are revoked or cancelled.

F. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23