

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

WRIT PETITION NO. 6800 OF 2022

1. HARSH S/O. CHANDRAKANT PADALWAR
2. DHIRAJ CHANDRAKANT PADALWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for Petitioners : Mr. S.M. Vibhute
AGP for Respondent Nos. 1 & 2 : Mr. S.K. Tambe
....

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

DATED : 21 July, 2023

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

1. Heard both sides.
2. The petitioners are challenging common judgment and order dated 05 February 2022, passed by the Scrutiny Committee, invalidating their claim for being 'Mannervarlu' scheduled tribe. They rely upon the validity certificates issued in favour of their father Chandrakant, report of vigilance enquiry, reply and the affidavit of their father.
3. Learned AGP contested the matter. According to him, the Scrutiny Committee properly appreciated the evidence on record and

rightly rejected the tribe claim. The contrary entries of the relatives enlisted at page no. 72 in the school record were taken into account. The revenue entries and the entries in the census of 1951 were incompatible with the caste claim of the petitioners.

4. Learned AGP would submit that there was invalidation of Rajkumar Vyankatrao Padalwar. The same was suppressed while obtaining validity certificates of father and cousin uncle Ramrao Narsingrao Padalwar. The statements made in the said transactions were also against caste claim of the petitioners. The affinity test was recorded against the petitioner.

5. It is further informed that the Scrutiny Committee has proposed to reopen the validity certificates of father and uncle of the petitioners. Therefore, it is submitted that this is not a fit case to interfere in the impugned judgment and order.

6. It is a matter of record that father of the petitioners Chandrakant @ Baba Hanmant Padalwar and cousin uncle Ramrao Narsingrao Padalwar, were issued with validity certificates. There is nothing on record to disbelieve the validity certificates. The submissions of the learned AGP regarding contrary entries appearing on page nos. 72 and 73, the suppression of the invalidation of caste

claim of Rajkumar cannot be the subject matter of the present scrutiny, as the Scrutiny Committee has already proposed to reopen the validity certificates. Unless the validity certificates are revoked, we have no alternative than to rely upon the same.

7. It is noticed that the validity certificate of uncle Ramrao was also considered in the matter of Pallavi Sanjay Padalwar and Nilesh Sanjay Padalwar. By common order dated 11 July 2023, our Bench allowed Writ Petition No. 2847/2022. The petitioners in that matter are inter se related with the present petitioners. This is an additional reason to grant relief to the petitioners.

8. For the reasons assigned above, the Scrutiny Committee committed perversity in the impugned judgment and order. We, therefore, dispose of the Writ Petition in following manner :

- i. The common judgment and order dated 05 February 2022, 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 petitioners shall not claim any equities.

9. The Writ Petition is allowed in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/