

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

WRIT PETITION NO. 3664 OF 2020

**SIDDHANT LINGURAM PENLEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Petitioner : Mr. P.V. Jadhavar
AGP for Respondent : Mr. P.S. Patil

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

DATE : 06 JULY 2023

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

1. Heard learned counsel for the parties and taken up for final adjudication with their consent.

2. The petitioner is challenging judgment and order dated 01 January 2020, passed by the Scrutiny Committee invalidating tribe claim of the petitioner for 'Mannervarlu'. The petitioner has produced on record the validity certificates of his father, cousins Jyoti, Jagdish and Ganesh. The orders by the Scrutiny Committee validating claims of father, Jyoti and Jagdish are also placed on record. The genealogy and the vigilance report are also placed on record. It is submitted that the impugned judgment is unsustainable as the petitioner is discriminated.

3. The Scrutiny Committee invalidated the claim of the petitioner because the school and revenue record of the relatives of the petitioner was found to be inconsistent. The affinity test was against the petitioner. The validity certificates were procured by suppressing material fact and they were not reliable.

4. Learned AGP submits that no interference is called for in the impugned judgment and order. He further informs that a show cause notice was issued on 01 January 2020, to the validity holders.

5. We have perused the record and considered the rival submissions of the counsel. The genealogy is produced on record at page nos. 53 as well as 75. There is no dispute about the genealogy and the relations of the petitioner with the holders of the validity. It reveals that there was vigilance enquiry in case of Jagdish. The order validating claim of Jagdish is on record which is reasoned one. Similarly, the orders passed in the matter of father of the petitioner and cousin Jyoti are reasoned orders. Under these circumstances, we do not hesitate in relying upon the validity certificates issued in favour of father of the petitioner, Jyoti, Jagdish as well as Ganesh.

6. The Scrutiny Committee committed perversity in discarding the validity certificates. In view of the law laid down by

Supreme Court in case of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others, 2023 SCC Online SC 326, we feel that present petition deserves to allowed. Its a matter of record that the same material was considered by the Scrutiny Committee in the matters of validity holders. Nothing glaring is pointed out by learned AGP to take contrary view. As the Scrutiny Committee has proposed to reopen the matters of validity holders, the petitioner is entitled to receive validity conditionally.

7. We, therefore, dispose of the Writ Petition as follows. :

- i. The judgment and order dated 01 January 2020, passed by the Scrutiny Committee is quash and set aside.
- ii. The respondent Scrutiny Committee shall issue tribe validity certificate to the petitioner for scheduled tribe 'Mannervarlu' within a period of two weeks from today on following conditions :
 - a. the validity shall be subject to the revocation or cancellation of the certificate of the validity holder.

- b. the petitioner shall not claim any equity.
- c. the petitioner shall cooperate with the Scrutiny Committee.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

spc/-