

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

WRIT PETITION NO. 4914 OF 2022

Ankush S/o Laxman Uppod,
Age: 27 years, Occu. : Student,
R/o Jarikot, Tq. Dharmabad,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad.
3. The Savitribai Phule Pune
University, Pune, Dist. Pune,
Through it's Registrar.
4. MAEER'S M.I.T. College of
Engineering, Kothrud, Pune,
Dist. Pune 411038
Through its Principal.

.. Respondents

Shri Apparao Yenegure, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 25 AUGUST 2023.**

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

. Heard both sides finally at the admission stage.

2. The petitioner is challenging the judgment and order dated 18.02.2022 passed by the respondent No. 2/Scrutiny Committee invalidating his caste claim for being 'Mannervarlu' (Scheduled Tribe).

3. The petitioner is relying upon the validity certificates issued to his brother Mangesh Laxman Uppod and cousin brother Sandip Gangadhar Uppod. The learned counsel for the petitioner has placed reliance upon the law laid down by the Supreme Court in the matter of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785**.

4. The learned Assistant Government Pleader has opposed the claim of the petitioner. It is submitted that the Scrutiny Committee is justified in rejecting the caste claim because the school record of the relatives of the petitioner was incompatible with the tribe claim. The school record of the petitioner's father found to be tampered. The validity certificate of Mangesh is defective and unreliable. The learned A. G. P. has produced on record original papers of Mangesh.

5. We have gone through the original papers of validity holder Mangesh. The relationship of the petitioner with the validity holder is undisputed. There was vigilance enquiry in the matter of Mangesh. The contrary entries were considered in his case. By reasoned order he was issued with the validity certificate. It is impermissible for the Scrutiny Committee to discard validity

certificate of Mangesh for rejecting the caste claim of the petitioner.

6. In view of the principles laid down by the Supreme Court in the matter of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** (*supra*) the Scrutiny Committee ought to have relied upon the validity certificate of Mangesh.

7. In view of the submissions of the learned A. G. P. that the Scrutiny Committee has proposed reverification, the petitioner is entitled to validity certificate conditionally. The objection of the learned A. G. P. for manipulating the school record of father and contrary entries can be gone into by the Scrutiny Committee during the reverification. The impugned judgment and order is unsustainable. The writ petition is disposed of by passing following order.

O R D E R

- a) The writ petition is partly allowed.
- b) The impugned judgment and order dated 18.02.2022 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c) The respondent No. 2/Scrutiny Committee shall immediately issue caste validity certificate to the petitioner as belonging to “Mannervarlu” (Scheduled Tribe).

- d) Same shall be subject to the outcome of the reverification undertaken by the scrutiny committee in case of validity holders.
- e) The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- f) The petitioner shall cooperate in reverification of the validity certificates.
- g) The petitioner shall not be entitled to claim equities.
- h) The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23