

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

WRIT PETITION NO. 4844 OF 2022

1. Rohan s/o Prakashrao Wallamwad,
Age : 26 years, Occu. : Student,

2. Aboli d/o Rajesh Wallamwad,
Age : 23 years, Occu. : Student,

Both R/o At Karadaon, Post Nandkheda,
Tq. and Dist. Parbhani. .. Petitioners

Versus

1. The State of Maharashtra.
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High
School, Town Centre, CIDCO,
Aurangabad, Dist. Aurangabad. .. Respondents

**WITH
WRIT PETITION NO. 4872 OF 2022**

Pawan s/o Suresh Wallamwad,
Age : 24 years, Occu. : Student,
R/o At Karadaon, Post Nandkheda,
Tq. and Dist. Parbhani. .. Petitioner

Versus

1. The State of Maharashtra.
Through its Principal Secretary,

Tribal Development Department,
Mantralaya, Mumbai – 32.

2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High
School, Town Centre, CIDCO,
Aurangabad, Dist. Aurangabad. .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioners in both matters.

Shri S. G. Sangle, A.G.P. for the Respondent No. 1 and 2 in both matters.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 10 OCTOBER 2023.**

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

. Heard learned counsel for respective parties for final disposal at the admission stage.

2. The petitioners claim to be belonging to the (Scheduled Tribe) 'Mannervarlu'. By common judgment and order dated 28.02.2022, the respondent No. 2/Scrutiny Committee invalidated their tribe claims and also proceeded to confiscate the tribe certificates. Being aggrieved both the petitions are filed. They are related interse. For the sake of convenience we propose to refer the papers of Writ Petition No. 4844 of 2022.

3. The learned counsel for the petitioners submits that the genealogy which is at page No. 143 indicates that validity

certificates were issued to Shivaji Dagdiram, Sonali Namdev, Vijay Namdev, Pallavi Namdev, Aishwarya Shivaji and Arujn Dagdiram. Amongst the validity holders, the validity certificate of Arjun Dagdiram Wallamwad was issued in pursuance of the common judgment and order dated 19 August 2023 passed by this Court in Writ Petition No. 7747 of 2021 with other connected writ petitions. The common judgment and order dated 19 August 2023 is placed on record. The learned counsel submits that the contrary entries which are pressed into service against the petitioners in the present matters were already dealt with by the Committee and lateron by this Court which resulted into the directions to issue validity certificate. The reasoning on the contrary entries recorded by the Committee is not sustainable.

4. The learned Assistant Government Pleader would support the impugned judgment and order. According to him the Scrutiny Committee has rightly rejected the caste claims of the petitioners considering the contrary entries indicating caste as Maratha and manipulation of the school record of Suryakant, Shivaji and Lata. He would submit that the validity certificates are not reliable because they were obtained by suppression of the material facts.

5. We have considered rival submissions of the parties. In order to appreciate the material on record it would be relevant to refer to genealogy which is at page No. 143. The respondents have not disputed the relationship of the validity holders with the petitioners. A common judgment and order dated 04.06.2021

passed by the Scrutiny Committee in the matters of Vijay Namdev Wallamwad and others is placed on record, which is at Exhibit Z – 5. Being aggrieved thereby, writ petitions were filed in this Court by the claimants. By common order dated 19 August 2023 in Writ Petition No. 7747 of 2021 with other connected with petitions, petitions were allowed partly and the common judgment and order dated 04.06.2021 passed by the Committee at Exhibit Z – 5 was quashed. The directions were issued to the Scrutiny Committee to issue validity certificates, conditionally. The claimants who were the petitioners in the writ petitions are the paternal side relatives of the present petitioners. We do not see any reason for not relying upon the common order passed by High Court. We also propose to adopt the same course.

6. The contrary entries which are referred in the impugned judgment were under consideration in the above referred matters. Despite that the validity certificates were issued conditionally. We therefore hold that the findings recorded by the Scrutiny Committee considering the contrary entries to reject the claims of the petitioners are perverse and arbitrary.

7. We are of the considered view that the Scrutiny Committee has no jurisdiction to adopt any contrary view when considering self same record validity certificates have been issued in the family. On the ground of parity, the petitioners are entitled to validity certificates.

8. We therefore pass following order.

ORDER

- (i) The writ petitions are partly allowed.
- (ii) The impugned order dated 28.02.2022 passed by the respondent/Scrutiny Committee is quashed and set aside.
- (iii) The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matters which the Committee has decided to re-open.
- (iv) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 23