

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 7754 of 2021

Nikita D/o Hanmantrao Pujalwar

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
through its Member Secretary.
3. The Dean/Principal,
Ayurved Shikshan Mandal's
Ashtang Ayurved Mahavidhyalay,
Paranjape Chowk, Sadashiv Peth,
Pune, Dist. Pune.
4. The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul/
Nashik, Dist. Nashik.

...Respondents

AND

Writ Petition No. 8206 of 2021

Sanket S/o Hanmantrao Pujalwar

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
through its Member Secretary.
3. The Principal,
Degloor College, Degloor
Tq. Degloor, Dist. Nanded.

...Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner in both petitions.

Mr. S.G. Sangale, AGP for respondents/State in both petitions.

Mr. S. B. Patil, Advocate for Respondent No.4 in W.P. No.7754/2021

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

DATE : 1 SEPTEMBER 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally.

1. Both the petitioners are siblings of Hanmantrao Pujalwar. Their tribe certificates for Mannervarlu scheduled tribe were invalidated and confiscated by common judgment and order dated 12.03.2021 passed by the Scrutiny Committee. Hence they have preferred present petitions.

2. The learned Advocate for the petitioners submits that their father's caste claim was validated on 22.05.2009. Their real brother's caste claim was validated. Besides that there are other validities in the family. With these clinching materials on record, the Scrutiny Committee should not have rejected the caste claim.

3. The learned AGP supports the impugned judgment and order. He would submit that the school record of the relatives of the petitioners is incompatible with the tribe claim. The vigilance enquiry noticed manipulation of the school record of Indumati, Sarojni and father of the petitioners. It is submitted that the Committee has rightly discarded the validity certificates. It is urged that no interference is called for in the impugned judgment and order.

4. We have considered the rival submissions of the parties. The genealogy is produced on record which is at page no.23. Father of the petitioners, Hanmantrao and brother Suraj were issued with validity certificates. The learned AGP has not disputed the submission that the validity certificates were issued after following due procedure of law.

5. We have no hesitation to rely upon the validity certificates of Hanmantrao and Suraj. As per law laid down by the Supreme Court of the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785, the petitioners are entitled to the caste benefit but subject to the certain conditions.

6. The Scrutiny Committee is entitled to undertake re-verification of the validity certificates. The validity certificates to be issued to the petitioners can be subjected to the outcome of re-verification.

7. We hold that the impugned judgment and order is arbitrary and perverse. Thus the writ petitions are disposed of by following order.

ORDER

(i) The common impugned judgment and order dated 12.03.2021 passed by the Scrutiny Committee is quashed and set aside.

(ii) The Scrutiny Committee shall issue tribe validity certificates of Mannervarlu scheduled tribe to both petitioners forthwith which shall be subject to the outcome of the re-verification.

(iii) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

NAJEEB/..