

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

WRIT PETITION NO. 5753 OF 2022

**RAJESHREE GANGADHAR ADBALWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale

....

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

DATED : 18 AUGUST, 2023

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

1. Heard learned counsel for both the sides.
2. The petitioner aspires to secure admission for under graduate medical course. Therefore, this matter is taken up for final hearing at the admission stage. The petitioner has taken exception to the judgment and order dated 18.02.2022, invalidating her tribe claim for 'Mannervarlu' scheduled tribe. She is relying upon old entry of her grandfather and the validity certificate issued to her father.
3. Learned AGP supports the impugned judgment and order. According to him, there are contrary entries in the school record of the close relatives of the petitioner and manipulations in the school record.

He would submit that the Scrutiny Committee is justified in rejecting the caste claim by discarding the validity certificates.

4. Learned AGP has produced on record original files of father of the petitioner Gangadhar and uncle Nagnath.

5. We have gone through original papers of petitioner's father and uncle. The genealogy is on page no. 28 which is not disputed. We find that there was vigilance enquiry in case of her father Gangadhar. A vigilance enquiry followed by report is produced on record. It reveals that the Committee considered the school record of the close relatives. The school record of Rajaba Rajanna Adbalwar of 1953, grandfather of the petitioner is indicating caste as 'Mannervarlu'. By reasoned order, petitioners father was issued with validity certificate which we have confirmed from original record. After following due procedure of law validity certificate was issued to the father and we see no reason to discard the same.

6. The Scrutiny Committee has committed perversity in discarding validity certificate of father of the petitioner Gangadhar. We have also noticed that another paternal side relative of the petitioner Nagnath Rajaba Adbalwar was issued with the validity certificate by following vigilance enquiry. The same is also worth relying. Both the

validity certificates would enure to the benefits of the petitioner. The old entry of the grandfather of the petitioner of 1953 has a probative value. It was considered in the matters of earlier validity holders. We are of the considered view the said entry corroborates the claim of the petitioner.

7. The Scrutiny Committee has no jurisdiction to reject the caste claim of the petitioner on the basis of self same record which was scrutinized by earlier Committees in case of petitioner's father and uncle. In that view of the matter there is an error of jurisdiction in the impugned judgment and order. The Scrutiny Committee has proposed to undertake re-verification. The petitioner is entitled to validity certificate conditionally. For the reasons stated above, we pass following order :

ORDER

- i. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, in the prescribed format without adding anything. The validity shall be subject to the final

outcome of the matters which the committee has decided to re-open.

ii. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/