

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

WRIT PETITION NO. 6496 OF 2022

**SANTOSH BALAJI PARODWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

....
Advocate for Petitioners : Mr. C.R. Thorat
A.G.P. for Respondents : Mr. A.S. Shinde

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

DATED : 18 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 common judgment and order dated 08 April 2022, invalidating the claim of the petitioner as 'Mannervarlu' scheduled tribe. The petitioner is relying upon validity certificates issued to his real sister Shivani, real brother Shubham and Sumit. He further relies upon the affidavits, genealogy, the vigilance reports, extracts of the School record and common judgment and order dated 18 January 2021.
3. Learned AGP supports the impugned judgment and order. The Scrutiny Committee has rightly appreciated the contrary entries

and the manipulations of the School record of the blood relatives of the petitioner. According to him, the validity certificates were rightly discarded because they were procured by illegal means and suppression of facts. He would further submit that caste claim of blood relative Madhav was invalidated. He points out Govind's statement to show inconsistencies.

4. Learned AGP informs that the Scrutiny Committee has decided to reopen matters of validity holders. It is not a fit case to allow the caste claim of the petitioner.

5. We have taken into consideration the validity certificates issued to Sumit, Shivani and Shubham. By common order dated 18 January 2021, the caste claims of Sumit, Shivani and Shubham, were invalidated. Being aggrieved, they had filed Writ Petitions bearing no. 1758/2021, 1803/2021 and 4244/2021, respectively. All these petitions were allowed by High Court. In pursuance of that, they were issued with validity certificates.

6. In view of judgment of the Supreme Court in the matter of [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others](#), **2023 SCC Online SC 326**, the petitioner is entitled to the validity certificate on certain conditions. The

submissions of learned AGP regarding the infirmities in the matters of validity holders cannot be entertained, at this juncture. The Scrutiny Committee has already taken a decision to re-verify the validity certificates.

7. The impugned judgment and order is unsustainable and perverse. We, therefore, passed following order :

- i. The impugned judgment and order is quashed and set aside.
- ii. The Scrutiny Committee shall issue caste validity certificate to the petitioner for 'Mannervarlu' scheduled tribe, subject to the following conditions :
 - a. That the validity certificate shall be subject to outcome of the re-verification undertaken by the Scrutiny Committee.
 - b. That the petitioner shall not claim any equity.

8. The Writ Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/