

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

WRIT PETITION NO. 6577 OF 2023

Prachi D/o Sandip Tammadwar,
Age : 19, Occu. : Student,
R/o Kinwat, Kinwat,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra
Through Secretary,
Tribal Development Department,
Maharashtra State, Mantralaya,
Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Division, (Headquarter Aurangabad)
Division, Plot No. 10, Sector E-1,
Near Saint Lawrence High School,
Opp. CIDCO Bus Stand,
Aurangabad,
through its Chairman.

3. Sub Divisional Officer,
Kinwat, Tq. Kinwat.

.. Respondents

Shri A. S. Golegaonkar, Advocate h/f Shri M. A. Golegaonkar,
Advocate for the Petitioner.

Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 5389 OF 2022**

Avantika D/o Ashok Tammadwar,
Age : 23 years, Occu. : Education,
R/o Sharda Nagar, Nanded,
Tq. and Dist. Nanded

Through Power of Attorney Holder
Ashok S/o Ganpatrao Tammadwar,
Age : 63 years, Occu. : Pensioner,
R/o As above.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
 2. The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat
through its Dy. Director ®,
At Aurangabad.
 3. The Principal,
Ashtang Ayurved College,
2062 (New), Vijaynagar Colony,
Sadashiv Peth, Pune,
Dist. Pune.
 4. The Registrar,
Maharashtra university of Health
Sciences, Dindori Road,
Mhasrul/Nashik, District-Nashik.
- .. Respondents

Shri G. K. Chinchole, Advocate h/f Shri S. M. Vibhute, Advocate
for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 and 2.
Shri A. S. Bayas, Advocate for the Respondent No. 4.

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

DATE : 08 SEPTEMBER 2023.

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

. Heard both sides finally at the admission stage.

2. The learned counsel for the petitioner in Writ Petition No. 5389 of 2022 has requested to call for the papers of the petition because a common judgment and order passed by the Scrutiny Committee on 21.04.2022 is under challenge in both the petitions. Therefore, both the petitions are heard together and decided by this common order.

3. The petitioners are from the same family. They were issued with the tribe certificates of 'Mannervarlu' (Scheduled Tribe). By the impugned common judgment and order their proposals for caste verification are invalidated, which is the cause for them to approach this Court.

4. The learned counsel for the petitioners would submit that there is consistent school record of Anilkumar, Sunilkumar, Sunita, Sandeep and Satej to indicate caste as Mannervarlu. They seek to rely upon the validity certificates of Sunil, Anup, Anurag and Anita. According to the petitioners due procedure was followed in securing validity certificates.

5. The learned Assistant Government Pleader supports the impugned judgment and order. He would submit that the Scrutiny Committee is justified in rejecting the caste claims considering contrary record and manipulation in the school record. The validity certificates are rightly discarded by the Scrutiny Committee because they were procured by misrepresentation. It is informed that the Committee has

proposed reverification of the validity certificates.

6. We have considered the submissions of both the learned counsel. The relationship of the petitioners with the validity holders is not disputed. It reveals from the record that the validity holders are paternal side relatives. There is nothing on record to show that due procedure was not followed while issuing validity certificates. We are inclined to rely upon the validity certificates.

7. The Scrutiny Committee has committed perversity in rejecting the caste claims because on the self same record on earlier occasions validity certificates were issued. Unless earlier validity certificates are revoked, the successive committee cannot take contrary view and deny benefit of identical social status. The petitioners are entitled to validity certificates conditionally.

8. We find that the impugned common judgment and order is unsustainable. We propose to pass following order.

ORDER

A. The writ petitions are partly allowed.

B. The impugned common judgment and order dated 21.04.2022 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

C. The respondent No. 2/Scrutiny Committee shall issue tribe

validity certificates to the petitioners as belonging to the 'Mannervarlu' (Scheduled Tribe) forthwith.

D. The said validity certificates shall be subject to the outcome of the reverification undertaken by the scrutiny committee of the validity holders.

E. The petitioners shall not be entitled to claim equities.

F. The writ petitions are disposed of in above terms. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23