

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

WRIT PETITION NO.7747 OF 2021
ARJUN DAGDIRAM WALLAMWAD
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

WRIT PETITION NO. 7311 OF 2021
PALLAVI NAMDEV WALLAMWAD
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

WRIT PETITION NO. 7312 OF 2021
AISHWARYA SHIVAJI WALLAMWAD
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

WRIT PETITION NO. 7760 OF 2021
SONALI NAMDEV WALLAMWAD
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

AND

WRIT PETITION NO. 7758 OF 2021
VIJAY NAMDEV WALLAMWAD
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

AND

WRIT PETITION NO. 7883 OF 2021
PRIYANKA SHIVAJI WALLAMWAD
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner in all petitions : Mr. Thorat Chandrakant R.

AGP for Respondents/State in all petitions : Mr. S.G. Sangale

Advocate for Respondent No.3 in WP-7312/2021 : Mr. C.A. Jadhav

Advocate for Respondent No.2 in WP-7758/2021 : Mr. S.G. Karlekar

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

DATE : 19 AUGUST 2023

FINAL ORDER (SHAILESH P. BRAHME, J.) :

. Heard the learned Counsel for the parties. The matters are taken up for final hearing at the admission stage, considering the urgency expressed by the petitioners.

2. The petitioners are challenging the common judgment and order dated 04.06.2021 passed by the Committee, invalidating their tribe certificates for Mannervarlu scheduled tribe. The petitioners are paternal side relatives *inter se*. There is a common record to consider their caste claim. Therefore all the petitions are decided by common order. For the sake of convenience, the papers in the case of Writ Petition No.7747/2021 of Arjun Dagdiram Wallamwad are referred to. At the outset, it is necessary to mention that the genealogy which is produced at page no.105 is not disputed. The validity holders shown in the genealogy are paternal side relatives of the petitioners.

3. The petitioners are relying upon the validity holders from their family. According to them, the validity certificates were issued after

following due procedure of law and should enure to their benefit. The validity certificate and affidavits are placed on record alongwith other relevant school record. There is a vigilance enquiry in case of petitioner Vijay Namdev Wallamwad which is common.

4. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has rightly rejected the caste claim considering the contrary entries and tampering of the record. He would submit that the petitioners in fact belong to Maratha. He would further refer to sale deed executed by Shivaji Dagdiram Wallamwad one of the validity holders to point out the averment of disclaiming the status of scheduled tribe. He would urge that the Scrutiny Committee has arrived at plausible conclusion and no inference is called for.

5. The learned AGP has made available the original files of petitioner-Arjun and validity holder, Shivaji. He has invited our attention to the tampered entries of Suryakant Murlidhar Wallamwad, Lata Madhukarrao Wallamwad and Shivaji Dagdiram Wallamwad. Our attention is also invited to the colour photocopy of the school record of Priya, Mangal, Gangabai, Ramesh, Uttam and Aruna to indicate caste as Maratha.

6. It is seen from the record that the paternal side relatives of the petitioners are issued with the validity certificates. Shivaji was issued with validity certificate by a reasoned order. The relevant documentary

evidence was taken into account. We find that the validity certificate was issued by following due procedure of law. The learned AGP has not pointed out any circumstance to discard the validity certificate.

7. It reveals from the record that number of relatives of the petitioners were issued with validity certificate at different point of times. The selfsame record is considered for validiting the claims. It is not permissible for the successive Scrutiny Committee to take any contrary view by discarding validity certificate. The Scrutiny Committee has committed error of jurisdiction in discarding the validity certificate. The sale deed executed by Shivaji Dagdiram Wallamwad shows that there is relinquishment of tribe status by him. The averments in the sale deed are not decisive. Therefore, the submissions of the learned AGP regarding sale deed holds no merit.

8. It is informed that the Scrutiny Committee has proposed re-verification of the validity certificate. The objection of the respondents about the contrary entries and the tampering of record can be gone into by the Committee during re-verification. Unless and until the validity certificates are revoked, the petitioners cannot be denied the benefit of the social status. We are of the considered view that the petitioners are entitled to conditional validity.

9. We hold that the common impugned judgment and order is unsustainable. We, therefore, pass the following order.

ORDER

- (i) The writ petitions are partly allowed.
- (ii) The impugned order dated 04.06.2021 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.]