

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

WRIT PETITION NO. 6689 OF 2020

AMOL S/O. SADASHIV MANTRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**AND
WRIT PETITION NO. 6690 OF 2020**

TUSHAR RAMHARI MANTRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**AND
WRIT PETITION NO. 4109 OF 2021**

SADASHIV VENKATRAO MANTRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. S.M. Vibhute
A.G.P. for Respondents : Mr. S.G. Sangale

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

DATED : 18 July, 2023

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

1. Heard both the sides for final disposal of the petitions.
2. There is common impugned judgment and order passed by the Scrutiny Committee, invalidating the caste claims of the petitioners. The petitioners are *inter se* related. There is common

record and material, hence, these petitions are being decided by common order. Petitioner Amol in Writ Petition No. 6689/2020 is Son of petitioner Sadashiv in Writ Petition No. 4109/2021. Petitioner Tushar in Writ Petition No. 6689/2020 is cousin of Amol. For the sake of convenience the documents produced in the matter of Amol i.e. Writ Petition No. 6689/2020, are referred. A genealogy which is at page no.15, is undisputed.

3. The petitioners rely upon the validity certificates issued to Ramhari and Mandakini who are uncle and paternal aunt of petitioner Amol. Ramhari is the father of Tushar who is petitioner in Writ Petition No. 6690/2020. The validity holders are paternal side close relatives and, therefore, their validity certificates are reliable. They were issued with validity certificates after following the due procedure of law and considering contrary entries and supporting material.

4. Learned counsel for the petitioners would submit that the validity certificates to Ramhari and Mandakini were granted after having vigilance enquiry and by a reasoned orders. According to him, the Scrutiny Committee committed illegality in considering 'Kachari' as a caste in respect of few blood relatives. It was submitted before the Scrutiny Committee by the petitioners that Vijay Uttamrao Mantri was

not the relative of the petitioners.

5. Learned AGP supports the impugned judgment and order. According to him, the School record of the relatives was not compatible with the claim of the petitioners. The School record in the case of Vyankatrao and Ramhari was found to be doubtful. It was rightly appreciated that caste claim of Vijay Uttamrao Mantri, a relative of the petitioners, was invalidated by the Committee. In Writ Petition No. 3377/1999, the invalidation was confirmed by High Court. There is no illegality or perversity in discarding the validity certificates which were procured by suppressing true facts. He would support the finding rendered on the affinity test.

6. It is informed that show cause notices are issued by the Scrutiny Committee to the validity holders.

7. Considering the submissions of the parties, we notice that there is validity in favour of paternal side close relatives of the petitioners namely Ramhari and Mandakini. The validity certificates were issued after following due procedure of law. In view of law laid down by Supreme Court in the matter of [*Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others*, 2023 SCC Online SC 326](#), validity certificates can be relied upon. Unless

and until the validity certificates are revoked or cancelled, we cannot take contrary view to deprive the petitioners of the caste benefit.

8. The learned AGP has pointed out the manipulation in the school record of Vishwanathrao Vyankatrao Mantri. He would also submit that there is suppression of fact about education of father. We can not embark any enquiry into this aspect of the matter. The Scrutiny Committee has already reopened the validities.

9. The impugned judgment and order is discriminatory and unsustainable. We pass the following order :

- i. The common judgment and order dated 16 September 2020, passed by the Scrutiny Committee in case of Amol, Tushar and Sadashiv, is quashed and aside.
- ii. The Scrutiny Committee shall issue caste validity certificates to the petitioners within a period of two weeks from today subject to following conditions :
 - a. That the caste validity certificates shall be subject to outcome of the re-verification of the

validity certificates undertaken by the Scrutiny Committee.

b. That the petitioners shall not claim equities.

c. That the Scrutiny Committee shall conclude the re-verification within a period of six months from today.

10. Writ Petitions are disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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