

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

**WRIT PETITION NO. 6998 OF 2019**

Ku. Snehal Sadashiv Pupulwad  
Age : 22 Yrs., Occu.: Student,  
R/o At Post Dhanora (Bk),  
Tahsil Ombari, Dist. Nanded. .. Petitioner

**Versus**

1. The State of Maharashtra,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Certificate Scrutiny  
Committee, Aurangabad Division,  
Aurangabad.  
Through Joint Commissioner/  
Vice President.
3. Sub Divisional Officer,  
Dharmabad, Dist. Nanded.
4. Maharashtra Institute of Dental  
Sciences & Research  
(MIDSR Dental College),  
Ambajogai Road,  
Latur 413512.  
Through it's Principal/Dean
5. Maharashtra University of Health  
Sciences, Vani Road, Nasik,  
Through it's Registrar .. Respondents

Shri A. S. Golegaonkar, Advocate for the Petitioner.  
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 3.

**AND  
WRIT PETITION NO. 7149 OF 2020**

Siddhant Sadashiv Pupulwad  
Age : 18 Yrs., Occu.: Student,  
R/o At Post Dhanora (Bk),  
Tahsil Ombari, Dist. Nanded. .. Petitioner

**Versus**

1. The State of Maharashtra,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Certificate Scrutiny  
Committee, Aurangabad Division,  
Aurangabad.  
Through Joint Commissioner/  
Vice President.
3. Sub Divisional Officer,  
Dharmabad, Dist. Nanded. .. Respondents

Shri A. S. Golegaonkar, Advocate for the Petitioner.  
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 17 AUGUST 2023.**

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

. The Writ Petition No. 7149 of 2020 is not on board. A request was made by the learned counsel for the petitioner for calling for the papers in Writ Petition No. 7149 of 2020. Therefore, Writ Petition No. 7149 of 2020 is taken on board.

2. Heard learned counsel for respective parties. Both the writ petitions are taken up for final hearing at the admission stage as

urgency is being expressed.

3. Both the petitioners are siblings of Sadashiv Narayan Pupulwad. They claim to be belonging to 'Mannervarlu' (Scheduled Tribe). Their proposals for validation of tribe certificates are rejected by the respondent No. 2/Scrutiny Committee by common judgment and order dated 29.05.2019. Feeling aggrieved they have presented these petitions before us.

4. The petitioners rely upon seven validity certificates issued in the family which is disclosed in the genealogy at page No. 41. Reference is made to the original papers of Sarita Uttamrao Pupulwad, first validity holder, which are made available by the learned Assistant Government Pleader.

5. The learned A. G. P. would oppose the claims of the petitioners. Our attention is drawn to the contrary entries in the case of Uttam Narayan Pupulwad, Sadashiv Narayan Pupulwad and Jyotsana Uttam Pupulwad. Considering the tampering of the school record, the committee is justified in rejecting the caste claims. The learned A. G. P. would submit that the validity certificates are procured by misrepresentation and false information. The Committee has already issued notices to the validity holders.

6. Considering the original files, we find that vigilance enquiry was conducted in the matter of Sarita. By reasoned order the validity certificate was issued to Sarita. The relevant

record was considered by the Committee. We find that the Scrutiny Committee has no jurisdiction to examine the self same record and doubt the validity certificate of Sarita and other validity holders. The successive Committee cannot undertake reappreciation of evidence on record.

7. The contentions of the learned A. G. P. that there were contrary entries and manipulation of the record cannot be gone into in our writ jurisdiction. The same can be subject matter of reverification which is already proposed by the Committee. Unless and until the validity certificates are revoked, the petitioners cannot be deprived of the identical social status. We are of the considered view that the petitioners are entitled for conditional validity certificates.

8. We find that the impugned judgment and order is unsustainable. Hence we pass following order.

### **O R D E R**

- i. The Writ Petition is partly allowed.
- ii. The common impugned judgment and order dated 29.05.2019 passed by the respondent no. 2 – 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, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.

iv. The certificates of validity shall be issued strictly in the prescribed format without incorporating other conditions/additions.

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

[ SHAILESH P. BRAHME, J.]

[ MANGESH S. PATIL, J.]

*bsb/Aug. 23*