

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

952 WRIT PETITION NO. 11990 OF 2019

YASH SURESH JALALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. A.S. Golegaonkar
h/f. Mr. Golegaonkar Madhur A.
AGP for Respondent Nos. 1 to 4 & 6 : Mr. S.G. Sangale
Advocate for Respondent No. 5 : Mr. M.K. Deshpande

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

DATE : 24 AUGUST 2023

PER COURT :

Heard the learned Advocate for the petitioner and learned AGP finally.

2. The petitioner is challenging the order passed by the respondent no. 2 – Scrutiny Committee confiscating and cancelling his certificate of ‘Mannervarlu’ scheduled tribe by resorting to Section 7 (1) of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**.

3. During the course of hearing, it transpires that the petitioner has been relying upon the genealogy starting from the common ancestor Deobaji who is stated to be survived by two sons Sakharam and Rajaram. Petitioner claims to be the grandson of Rajaram. One Shrikant Madhav who is the grandson of Sakharam possesses a validity. The Committee has refused to extend the benefit of Shrikant’s validity to the

petitioner on the ground that the petitioner had failed to substantiate the genealogy. In the process it has referred to the statement of Madhav Sakharam Jalalwad recorded during the vigilance enquiry, wherein, he stated that his father Sakharam was the only child having no brother or sister.

4. Learned Advocate for the petitioner tenders across the bar an affidavit purportedly sworn by Madhav's son Shrikant supporting the petitioner's claim.

5. Learned Advocate also tenders across the bar copies of the revenue record purportedly showing that the land held by the common ancestor Deobaji devolved upon Rajaram, which could not have been, had he been not the son of same Deobaji of which Sakharam is the brother.

6. Pertinently, this revenue record for whatever reason was not produced either before the Vigilance Officer or was not available for the enquiry before the Scrutiny Committee. Since it is a matter of social status and the petitioner now possesses some additional material, in our considered view even if it is a time consuming, the matter will have to be re-considered by the Committee by undertaking a fresh scrutiny and even by resorting to a vigilance enquiry under Rule 12 of the Maharashtra Scheduled Castes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward

Category (Regulation of issuance and Verification of) Caste Certificate Rules, 2012, since petitioner is now intending to produce additional material to substantiate his claim.

7. Writ Petition is allowed partly. Impugned order is quashed and set aside. The matter is remanded back to the Scrutiny Committee for decision afresh by extending an opportunity to the petitioner to lead additional evidence and if necessary, by resorting to vigilance enquiry. The petitioner shall appear before the Committee on 01 September 2023, and the Committee shall decide the matter afresh within a period of four months, thereafter.

8. The result of the petitioner shall be declared, however, he shall not be entitled to any degree or diploma certificate.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]