

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

WRIT PETITION NO. 7612 OF 2022

**AADARSH GANGADHAR MASENWAR
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondent : Mr. A.S. Shinde
Advocate for Respondent no. 3 : Mr. S.S. Gangakhedkar

**WITH
WRIT PETITION NO. 7603 OF 2022**

**VAIBHAV GANGADHAR MASENWAR
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondent : Mr. A.S. Shinde
Advocate for Respondent No. 4 : Mr. D.A. Karnik
h/f.Mr. K.M. Suyawanshi

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

DATE : 06 JULY 2023

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

1. Heard learned counsel for the parties for final adjudication at the admission stage.
2. The petitioners are real brothers and the children of Gangadhar Mashenwar. By common judgment and order dated 29

June 2022, their tribe certificates were invalidated by the Scrutiny Committee. Being aggrieved the present petitions are filed. All the material and the considerations in both the matters are identical, hence, they are disposed of by this common order.

3. The petitioners claim that they are the members of scheduled tribe 'Mannervarlu'. Their tribe certificates were invalidated on the ground that the school record and the revenue entries of the relatives were false and misleading. There were contrary entries of Gangamani, their father and Shankar. In case of some of the relatives manipulation in the school record was noticed. The affinity test also did not support their claim. The validity holders were found to be untrustworthy.

4. Learned counsel for the petitioners submits that caste claim of their father Gangadhar and real uncle Gangaram were validated by the scrutiny committee after following due procedure of the law. There is vigilance report in the matter of their father Gangadhar. By reasoned orders the caste claims were validated. Therefore, on the ground of parity the petitioners are entitled to receive tribe validity.

5. We find substance in the submissions of the petitioners. Validity certificates of father and uncle of the petitioners are placed on record. There is a vigilance report in case of their father. The genealogy is also placed on record which is not disputed.

6. The contrary entries were already considered in the matter of father. This is a cogent evidence to support the petitioners claim.

7. In view of the principles laid down in the matter of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others*, **2023 SCC Online SC 326**, we are of the considered opinion that both the petitions deserve to be allowed.

8. The learned AGP could not point out any glaring error in the matter to take contrary view. The Scrutiny Committee has committed grave illegality in rejecting the caste claims of the petitioners.

9. We , therefore, allow both the petitions in following terms :

- i. The common judgment and order dated 29 June 2022 , passed by the Scrutiny Committee is quash and set aside.

ii. The Scrutiny Committee shall issue tribe validity certificates to the petitioners Aadarsh Gangadhar Masenwar and Vaibhav Gangadhar Masenwar for scheduled tribe 'Mannervarlu' within a period of two (02) weeks from today on a condition that validity shall be subject to the result in the proceedings to be reopened of validity holders by the Scrutiny Committee and the petitioners shall not claim any equity.

9. The Writ Petitions are partly allowed.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

spc/-