

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.8230 OF 2021**

Ravina D/o Vinodkumar Nargulwar,
Age: 25 years, Occu.: Education,
R/o. Kasrali, Tq. Biloli, Dist. Nanded. ..Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat at Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad. ..Respondents

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Mr. S. M. Vibhute, Advocate for the Petitioner.
Mr. P. S. Patil, Addl GP for Respondents-State.
Mr. S. B. Patil, Advocate for Respondent No.4.

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

DATE : 3rd AUGUST, 2023.

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

1. Heard both sides finally at the admission stage considering the urgency.
2. The petitioner is challenging judgment and order dated 19.10.2020 passed by the Scrutiny Committee invalidating her Caste claim for 'Mannervarlu' Scheduled Tribe. She is relying upon the validity certificates issued to her uncle, aunt and brother. They all are paternal side relatives.

3. Learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee is justified in revoking the claim on the basis of contrary entries and manipulation of the record. The validity certificates are rightly discarded by the Committee because there was suppression of material facts and misleading information was submitted for procuring the validities.

4. We notice that petitioner's real brother Lalit Kumar, father Vinod Kumar, uncle Anil and aunt Rekha were issued with validity certificates. The material pressed into service against the claim of the petitioner, in the present matter was already considered while granting Validity certificates at different point of time. The validity certificates are intact. We find that the Scrutiny Committee has committed patent illegality by discarding the validity certificates. The petitioner is entitled to get validity certificate conditionally.

5. The Learned AGP has pointed out that there are contrary entries and manipulation of the record. We are shown the file of the uncle of the petitioner, Anil. We notice that the old record of 1343 fasly (1933 AD) was considered which was standing in the name of the grand father of the petitioner.

6. Learned AGP informed that the Scrutiny Committee has decided to reverify the validity certificates. The committee has discretion to examine the record during the process of reverification. Unless the validity certificates are revoked, we can not deprive the petitioner from getting validity. We are therefore, inclined to allow the present writ petition partly.

ORDER

- i) The impugned judgment and order passed by the Scrutiny Committee is quashed and set aside.
- ii) The Scrutiny Committee shall issue validity certificate to the petitioner for 'Mannervarlu' Scheduled Tribe within period of two weeks from today, on a condition that a validity certificate shall be subject to outcome of the reverification proposed by the Scrutiny Committee.
- iii) The petitioner shall not claim any equity.

7. The Writ Petition is disposed of in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S.PATIL, J.)

spc