

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

WRIT PETITION NO. 8661 OF 2021

Kum. Nikita d/o Suryakant Padalwar,
Age : 20 years, Occu. : Student,
R/o Eklara, Taluka Mukhed,
District Nanded, at present
r/o Ganesh Nagar, Khonde Bhadgaon,
Taluka Khed, District Ratnagiri. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad, through
its Member
3. The Sub Divisional officer,
Degloor, District Nanded.
4. The National Institute of Technology
Warangal, Telangana State.
Through its Dean (Academic). .. Respondents

Shri A. S. Golegaonkar, Advocate h/f Shri Madhur A.
Golegaonkar, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 AUGUST 2023.**

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

. Heard learned counsel for the respective parties. Matter is taken up for final hearing at the admission stage considering the urgency expressed by the petitioner.

2. The petitioner is assailing judgment and order dated 19.03.2021 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The petitioner is relying upon the validity certificates of her father and uncle as well as old record.

4. The learned Additional Government Pleader opposes the claim of the petitioner. According to him the scrutiny committee has considered relevant record and arrived at plausible and reasonable conclusion. The school record of the relatives of the petitioner was found to be incompatible with the caste claim. The validity certificates are rightly discarded by the scrutiny committee. He would submit that no case is made out by the petitioner to upset the impugned judgment and order.

5. The learned Addl. G. P. has produced on record original file of the petitioner. It is further informed that the Scrutiny Committee has proposed to undertake reverification. He has pointed the contrary entries from the coloured photo copies available in the record.

6. The genealogy is available on record, which is not disputed. It is seen that the petitioner's father Suryakant Dharmaji Padalwar and uncle Ramesh Dharmaji Padalwar were issued with the validity certificates. There was vigilance enquiry conducted in the matters of validity holders and by reasoned orders validity certificates were issued. We find that the validity certificates are reliable in view of the judgment of the Supreme Court in the matter of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785**.

7. The learned Addl. G. P. would submit that there was suppression of order of invalidation passed in the matter of Rajkumar Venkatrao Padalwar and Chandrakant Tulshiram Padalwar. The invalidation of the caste claim of any of the relative of the claimant would not be an impediment for the Scrutiny Committee to issue validity certificate. The caste scrutiny is an individual centric process. The principle of res judicata cannot be made applicable to it.

8. The Scrutiny committee is undertaking reverification of the validity certificates. It can look into all the aspects of the matter amounting to fraud. We prefer not to offer our comments which is likely to cause prejudice to the reverification process.

9. We find that the petitioner is entitled to validity certificate conditionally. The impugned judgment and order is liable to be

quashed and set aside.

10. For the reasons recorded above, we pass following order.

11. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Mannervarlu’ scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

12. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23