

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

WRIT PETITION NO. 8603 OF 2021

VYANKATI TUKARAM MIMPULWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondents : Mr. A.S. Shinde

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

DATE : 17 OCTOBER 2023

PER COURT (PER : SHAILESH P. BRAHME, J.) :

Heard both the sides finally.

2. The petitioner is assailing judgment and order dated 16.03.2021, passed by the respondent no. 2 – Scrutiny Committee, invalidating his tribe certificate of ‘Mannervarlu’ and confiscating it. The petitioner is relying on the validity certificates issued to his real brother and sister namely Balaji and Mangal. The self same record which is duly verified by the vigilance cell in the matter of Balaji is pressed into service. One of the entries is of 1956, supports the claim of the petitioner. Learned counsel for the petitioner submits that it is an error of jurisdiction to reject the caste claim of the petitioner.

3. Learned AGP supports impugned judgment and order. He would submit that the school record of aunt of the petitioner Parvati, is incompatible with the claim of the petitioner and manipulation is noticed in the school record of father of the

petitioner Tukaram. According to him, the revenue record also indicates caste as 'Munnurvar' and the Committee has rightly rejected the claim. The validity certificates are found to be procured by suppressing material facts and, therefore, those are unreliable. He would urge to dismiss the petition.

4. Learned AGP has informed that the Committee has decided to reopen the matters of validity holders. Learned AGP has placed on record original papers of validity holder Balaji.

5. We have considered his submissions of the parties. The genealogy which is relied upon by the petitioner is born from the vigilance record of Balaji. The vigilance report of Balaji is placed on record. It indicates that the documentary evidence was considered. The school record of the father of the petitioner of 1956 indicates caste as 'Mannervarlu'. From the original papers we have ascertained that by speaking order, Balaji was issued with tribe certificate. We find that due procedure has been followed for issuing validity certificate. It should enure to the benefit of the petitioner.

6. Learned AGP has submitted vehemently that the school record of the father of the petitioner is manipulated and suspicious. The school record of father of the petitioner was also considered while issuing validity certificate to Balaji. Unless validity certificate of Balaji is revoked, the petitioner cannot be deprived of the same social status. We are of the considered view that the petitioner has

made out the case for issuing validity certificate conditionally. The impugned judgment and order is liable to be quashed. We, therefore, pass following order :

ORDER

- i. The impugned judgment and order dated 16.03.2021, passed by the respondent no. 2 - Scrutiny Committee, is quashed and set aside.
- ii. The respondent no. 2 - Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' scheduled tribe to the petitioner, forthwith.
- iii. The validity certificate shall be subject to outcome of the re-verification intended by the Scrutiny Committee.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating any additions/conditions.
- v. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]