

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

WRIT PETITION NO. 11250 OF 2019
WITH
CIVIL APPLICATION NO. 7238 OF 2020
IN
WRIT PETITION NO. 11250 OF 2019

RAHUL SANJAY RAMOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner : Mr. A.S. Golegaonkar
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
....

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

DATED : 19 AUGUST, 2023

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

1. Heard both the sides finally at the admission stage considering the urgency of the matter.
2. The petitioner is assailing the judgment and order dated 24.07.2019, passed by the Scrutiny Committee, invalidating his tribe claim for being 'Mannervarlu' scheduled tribe. The petitioner is relying upon the validity certificates issued to Balaji and Gangadhar which are the paternal side relatives shown in the genealogy at page nos. 47 and 50.

3. Learned AGP would oppose the claim of the petitioner. According to him, the Scrutiny Committee is justified in rejecting the caste claim considering the contrary entries as well as manipulation noticed in the school record of the relative. The validity certificates are rightly discarded by the Committee as they were procured by suppression of material facts. The orders of invalidation passed in the matter of Sandeep Shrirangrao Ramod and Surajrao Ganpatrao Ramod would be an impediment for the petitioner to claim the validity.

4. We have considered the rival submissions of the parties. The genealogy which is at page nos. 47 and 50, discloses that the validity holders are paternal side relatives of the petitioner. Their relationship with the petitioner is not disputed by the respondents. It reveals from the record that there was vigilance enquiry in the matter of Balaji. By reasoned order, Balaji was issued with the validity certificate. Similarly, the validity certificate of another blood relative Gangadhar cannot be doubted. The validity certificates sought to be produced by the petitioner in support of his claim are issued after following the due procedure of law. We are of the considered view that they should enure to the benefit of the petitioner.

5. We find that the Scrutiny Committee has committed

patent illegality in discarding the validity certificates. The Scrutiny Committee has committed error of jurisdiction in arriving at a contrary finding when on the basis of self same record on earlier occasions the Scrutiny Committee had issued validity certificates to Balaji and Gangadhar.

6. Learned AGP has informed us that the Scrutiny Committee has issued show cause notices to the validity holders. The re-verification is underway. The petitioner is entitled to validity certificate on certain condition. The validity holders are expected to cooperate the Scrutiny Committee in the matters of re-verification.

7. We find that the impugned judgment and order is unsustainable and liable to be quashed. Hence, we pass following order :

ORDER

- i. The writ petition is partly allowed.
- ii. The impugned order dated 24.07.2019 passed by the respondent no.2/Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue the 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.

iv. The petitioner and his relatives shall cooperate with the Scrutiny Committee in early decision of the matter.

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

vi. Civil Application No.7238/2020 is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/