

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

1088 WRIT PETITION NO. 8522 OF 2022

VAISHNAVI MOTIRAM KASRALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents Nos. 1 & 2 : Mr. S.K. Tambe
....

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

DATED : 10 AUGUST, 2023

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

1. Heard both the sides finally.
2. The petitioner is challenging judgment and order dated 25.07.2022, passed by the Scrutiny Committee, invalidating tribe certificate of petitioner as 'Mannervarlu' scheduled tribe. The petitioner is banking upon the validity certificates of Seema real sister, Rajendra and Jitendra real brothers. Twice, there was vigilance enquiry and the reports thereof are placed on record.
3. Learned AGP supports impugned judgment and order. According to him, the Committee is justified in rejecting the claim because there were contrary entries and manipulation of record. The

validity certificate of Seema was secured by suppressing material facts. Therefore, no case is made out to exercise the jurisdiction.

4. We have an opportunity to look into the original file of the validity holder Seema Motiram Kasrale. Her validity certificate is founded on vigilance enquiry as well as reasoned order. An extensive documentary evidence was appreciated by the Committee. The validity certificate is reliable and should have been followed by the Scrutiny Committee.

5. The finding recorded by the Committee that Seema was given benefit of validity certificates of Nitin Sureshrao Ambulgekar, Ganpat Ramchandra Padalwar, Suchita Shivram Bodhgire and Iranna Hanmantrao Govindwar, is perverse and shocking. The order in the case of Seema refers only one validity certificate of Thakkarwad Laxman Gangaram. It is further noticed that Seema was not issued with validity certificate on the basis of maternal side relatives. The finding recorded by the Committee is patently illegal for discarding the validity certificate.

6. The petitioner deserves validity certificate on condition. The impugned judgment and order of the Scrutiny Committee is unsustainable. Hence, we pass following order :

ORDER

- i. The writ petition is partly allowed.
- ii. The impugned order dated 25.07.2022 passed by the respondent No. 2/ Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating any other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)