

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

WRIT PETITION NO. 9353 OF 2021

Kum. Sneha d/o Prakash Ainlawar,
Age : 22 years, Occu. : Student,
R/o Hingni, Post Badur,
Taluka Biloli, District Nanded.

.. Petitioners

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
 2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad, through its Member
Secretary.
 3. The Sub Divisional Officer,
Biloli, District Nanded.
 4. Maharashtra University of Health
Sciences, Nashik, through its
Registrar.
 5. Dr. Ulhas Patil Medical College
And Hospital, Jalgaon-Bhusawal
Road, Jalgaon (kh) 425 309,
Through its Dean.
- .. Respondents

Shri A. S. Golegaonkar, Advocate i/by Shri M. A. Golegaonkar for
the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 to 3.

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

DATE : 14 JULY 2023.

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

. Heard both the sides.

2. The petitioner is assailing judgment and order dated 12.07.2021 passed by the Scrutiny Committee invalidating her claim as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The learned counsel for the petitioner would submit that the real brother of the petitioner namely Shubham is issued with the validity certificate. All the record in the present case is already scrutinized in an enquiry of Shubham. Besides that there is school record, affidavits, genealogy, report of enquiry committee to support the claim of the petitioner.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the Scrutiny Committee has rightly held that the record of the school entries of the relatives do not support the claim of the petitioner. There is inconsistency in the caste shown in the record of the relatives. A manipulation of the record was found in the case of Parshuram and Prakash. Considering the affinity test, Scrutiny Committee has rightly rejected the claim. As the Scrutiny Committee has reopened the validity certificates of the relatives of the petitioner, no reliance can be placed upon the validity certificate.

5. The petitioner has placed on record order dated 24 July

2018 passed by this Court in Writ Petition No. 7629 of 2018 in the case of Shubham Prakash Ainlawar Vs. Scheduled Tribe Certificate Scrutiny Committee, Aurangabad. It is a matter of real brother of the petitioner. Considering contrary entries and other material on record the petition was allowed. He was issued with the validity certificate. As per the law laid down by 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**, we have to rely upon validity certificate of Shubham.

6. It is informed that the Scrutiny Committee has reopened the matters of validity holders connected with the petitioner. Subject to those proceedings, the committee can be directed to issue the validity certificate to the petitioner. We therefore pass following order.

ORDER

A. The writ petition is partly allowed.

B. The judgment and order dated 12.07.2021 passed by the respondent/Scrutiny Committee is quashed and set aside.

B. The respondent/Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) within a period of two (02) weeks from today on following conditions :

(i) The validity certificate shall be subject to the outcome

of the scrutiny undertaken by the committee for re-verification.

(ii) The petitioner shall not claim equity and shall co-operate with the enquiry of reverification.

C. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23