

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

**BENCH AT AURANGABAD**

**Writ Petition No. 561 / 2023**

Kum. Megha d/o Devanand Maldode,  
Age 26 years, Occu. Student,  
R/o. At Post Manjram, Tal. Naigaon (Kh),  
Dist. Nanded.

**...Petitioner**

**Versus**

1. The State of Maharashtra,  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate  
Scrutiny Committee, Kinwat through its Member  
Secretary, having its office at Divisional  
Headquarter at Aurangabad, CIDCO,  
Aurangabad.

**...Respondents**

---

Mr. Sagar S. Phatale and Mr. Ramchandra K. Mendadkar,  
Advocates for the Petitioner.

Mr. S. G. Sangale AGP for Respondents/State

---

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

**DATE : 6 JULY, 2023.**

**FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :**

- . Heard learned Counsel for the parties for final disposal.

1. The petitioner is challenging judgment and order dated 07.07.2022 passed by the respondent no.2/Scrutiny Committee, invalidating her claim for scheduled tribe 'Mannervarlu'. She has placed reliance upon fifteen validities issued in favour of close relatives. Amongst them are Shubham, Anuja and Sunil. The relationship of the petitioner with the validity holders is not disputed. A genealogy is produced at page no.47. The petitioner submits that she is discriminated by the Scrutiny Committee by invalidating her claim.

2. The Scrutiny Committee held that the school and the revenue record produced by the petitioner was not compatible with her claim. The contrary entries of Kamlabai Rajeshwar Bhimrao, Varnumala Premla and Sushila were noticed. The manipulation of record was found in respect of Rakhmaji, Premla and Sahebrao. The affinity test was against the petitioner.

3. It was further held by the Scrutiny Committee that the caste claims of Madhukar and Mahesh Kumar were invalidated. The validity of Devanand, Vijay, Sunita was not reliable. Hence the learned AGP supports the impugned judgment and order.

4. We noticed that the genealogy is not disputed. It is a matter of record that Shubham, Anuja are paternal side close relatives of the petitioner. Their validity certificates are on record. The caste claim of Shubham and Anuja were decided by common judgment and order

dated 11.11.2022. Against their invalidation Writ Petition No. 13357/2022 was filed. The said writ petition was allowed on 16.11.2022. In view of the said decision, we are bound to accept the validity certificates of Shubham and Anuja.

5. The learned AGP submits that the claim of Madhukar was invalidated on 24.06.1993. Against that writ petition was filed, but the same was withdrawn. This fact was not disclosed.

6. In our view, rejection of caste claim of Madhukar and his option to withdraw the writ petition does not operate as estoppel against the petitioner. In case of invalidation of his claim, no fault can be attributable to the petitioner. There are number of validity holders supporting the claim of the petitioner.

7. It is tried to be argued by the learned AGP that the genealogy produced on record is different. The said submission loses its significance in the wake of the pronouncement in favour of Shubham and Anuja. We can rely upon law laid by the Supreme Court in Paragraph nos. 22 to 24 of judgment in case of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785.

8. We hold that the Scrutiny Committee has committed perversity and patent illegality in invalidating the claim of the petitioner. However it is informed by the learned AGP that a show cause notice was issued on 15.09.2001 to the validity holders. They have submitted reply to the notices. The proceeding of reopening of their

validities is under way. In such situation, we feel that the petitioner is entitled to conditional validity. We therefore pass the following order.

**ORDER**

- (i) The writ petition is partly allowed.
- (ii) The judgment and order dated 07.07.2022 passed by the respondent no.2/Scrutiny Committee, is quashed and set aside.
- (iii) The Scrutiny Committee shall issue validity certificate to the petitioner for scheduled tribe 'Mannervarlu' within a period of two weeks on following conditions that;
  - [a] the validity certificate shall be subject to the outcome of the revocation of validity certificates of relatives of the petitioner.
  - [b] the petitioner shall not claim any equity.
  - [c] the petitioner shall cooperate with the Scrutiny Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]