

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

WRIT PETITION NO.8809 OF 2023

1. Rahul S/o. Raju Sarkalwad,
Age: 23 years, Occu. Education,
R/o. Bahaddarpura, Tq. Kandhar,
Dist. Nanded.
 2. Rutuja S/o. Raju Sarkalwad,
Age: 18 years, Occu. Education,
R/o. Bahaddarpura, Tq. Kandhar,
Dist. Nanded.
- ..Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
 2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat at Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad.
- ..Respondents

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Mr. S. M. Vibhute, Advocate for the Petitioners.
Mr. A. S. Shinde, AGP for Respondents-State.

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

DATE : 3rd AUGUST, 2023.

FINAL ORDER (PER : SHAILESH P.BRAHME, J.):-

1. Heard learned counsel for both sides. Taken up for final hearing at the admission stage.

2. The petitioner are challenging common judgment and order dated 05.07.2023 passed by the Scrutiny Committee invalidating the claims of the petitioners and confiscating the Tribe certificate. The petitioners are siblings of Raju Rohidasrao Sarkalwad. They rely upon the validity certificates issued to their father, uncle and cousins.

3. Learned AGP opposes the claims of the petitioners. According to him, the caste claims were rightly rejected considering the contrary record and manipulations found in the school records of the blood relatives. The Scrutiny Committee has rightly discarded validity certificates. He therefore prays to dismiss the petition.

4. There are number of Validity Certificates issued to the paternal side blood relatives of the petitioners. Their father is amongst the validity holders. We notice that there is old school record of Shankar, Digambar and Gangasagar. We find that there was Vigilance Report in case of validity holders Girish as well as Pramod. Thereafter, the validity certificates were issued by reasoned orders. We find that the petitioners are entitled to receive validity certificates on the ground of parity.

5. The learned AGP has shown file of validity holder Pramod as well as original files of the petitioners. The manipulation in the school record is attempted to be pointed out from the coloured photo copies. We are not prepared to consider the objections of learned AGP at this juncture. The Scrutiny Committee has decided to undertake reverification. Our comments are likely to prejudice the proposed enquiry. Suffice to observe that till the

validity certificates are revoked , the petitioners can not be denied the validity certificates.

6. We hold that the Scrutiny Committee committed perversity in revoking the caste claims. We, therefore partly allow the petition by following order.

ORDER

i) The impugned common judgment and order is quashed and set aside.

ii) The Scrutiny Committee shall issue Tribe certificate to the petitioner as belonging to 'Mannervarlu' Scheduled Tribe on condition that the Validity certificate shall be subject to the result of the reverification proposed by the Scrutiny Committee.

iii) The petitioner shall not claim any equity.

7. The Writ Petition is allowed in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S.PATIL, J.)

spc