

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 9026 / 2019****with****Civil Application No.7952 / 2023****in****Writ Petition No. 9026 / 2019**

Rajshree D/o Suryakant Kalewad,
Age 20 years, Occu. Student,
R/o. Andegaon, Tq. Himayat Nagar,
Dist. Nanded.

...Petitioner**Versus**

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad Division,
Plot No.10, Sector E-1,
Near Saint Lawrence High School,
Opp. CIDCO Bus Stand, Aurangabad.
3. The Sub-Divisional Officer,
Office of SDO, Hadgaon,
District Nanded.
4. Maharashtra University of Health Sciences,
Mhasrul, Vani Dindori Road,
Nashik.
Maharashtra Through its Registrar.
5. The Dean
Govt. Dental College & Hospital
Aurangabad.

...Respondents

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Mr. Madhur A. Golegaonkar, Advocate for the Petitioner
Mr. P. S. Patil, AGP for Respondent Nos. 1 to 3 and 5/State
Advocate for Respondent No.4 : Mr. Shamsundar B. Patil

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 4 JULY, 2023.

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

. Heard the learned Counsel for the parties. The matter is taken up for final adjudication with their consent.

1. The petitioner is challenging an order dated 05.07.2019 passed by the respondent no.2/Scrutiny Committee, invaliding her claim for scheduled tribe 'Mannervarlu'. She has placed on record the validity certificate of her brother Shivkumar besides the evidence of school and revenue record.

2. The Scrutiny Committee has rejected claim because according to it the school record was misleading. The real status was suppressed. The record produced by the petitioner was not reliable. The school record of Shakuntala was found to be tampered with. The place of residence which was disclosed by the petitioner was not compatible with her claim.

3. The validity certificates of Subhash and her father Suryakant were doubtful and were obtained by suppressing material facts. The affinity test was also recorded against the petitioner. The Committee proposed to issue show cause notices to the validity holders.

4. The learned Advocate for the petitioner emphasized upon the validity certificate issued in favour of her brother Shivkumar. It is submitted that the Scrutiny Committee did not take any effective steps to reopen the matters of validity holders. It is further submitted that the present material before the Scrutiny Committee was duly considered on earlier occasion in the matter of her brother.

5. The learned Advocate for the petitioner relies upon the paragraph nos. 22 to 24 of the judgment in the case of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others**, reported in 2023(2) MH.L.J. 785.

6. It is a matter of record that Shivkumar, brother of the petitioner was issued validity certificate after intervention of the Division Bench in Writ Petition No.9014/2019. The contrary entries disclosed in the matter

of Shivkumar were duly considered. We do not see any reason for not concurring with the judgment and order dated 20.08.2019 in Writ Petition No.9014/2019.

7. We find that there is no dispute about the relationship. There is caste validity certificate issued in favour of Suryakant. When real brother and father have been conferred with social status, there is no logic in denying the same to the petitioner.

8. There are validity certificates issued in favour of other blood relatives of the petitioner, namely Rajkumar and Pallavi. We follow the law laid down in paragraph nos. 22 to 24 of the judgment in the case of Maharashtra Adavasi Thakur Jamat Swarakshak Samiti (supra).

9. It is pointed out by learned AGP that show cause notices are issued on 11.07.2019 to the validity holders. The Scrutiny Committee has taken steps to reopen the validity of the blood relatives. It is necessary, in such a situation to direct the Scrutiny Committee to issue conditional validity to the petitioner.

10. The Writ Petition is partly allowed and disposed of in the following terms.

- (i) The judgment and order dated 05.07.2019 passed by the respondent no.2/Scrutiny Committee, is quashed and set aside.
- (ii) The Scrutiny Committee shall issue tribe validity certificate to the petitioner within a period of two weeks on following conditions that;
 - (a) the validity certificate shall be subject to the final outcome of reopened matters of the validity holders.
 - (b) the petitioner shall not claim any equity.

11. With the disposal of the writ petition, nothing survives in the civil application. The same is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]