

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

WRIT PETITION NO. 9105 OF 2023

Varad S/o Chandrakant Kaletwad,
Age : 18 years, Occu. : Education
R/o Ambulga Bk, Tq. Mukhed
Dist. Nanded,
Through Power of Attorney Holder
Chandrakant S/o Venkatrao Kaletwad
Age : 50 Years, Occu. : Service,
R/o. As above. .. Petitioner

Versus

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

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 and 2.

**AND
WRIT PETITION NO. 9107 OF 2023**

Tanmay S/o Amol Kaletwad,
Age : 18 years, Occu. : Education
R/o Ambulga Bk, Tq. Mukhed
Dist. Nanded,
Through Power of Attorney Holder
Amol S/o Venkatrao Kaletwad
Age : 45 Years, Occu. : Service,
R/o. As above. .. Petitioner

Versus

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

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 and 2.

AND
WRIT PETITION NO. 12574 OF 2022

Mayuri Chandrakant Kaletwad,
Age : 24 years, Occu. : Student,
R/o 79, Konark Vihar, Farande Nagar,
Nanded, Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through it's Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Director of Medical Education
and Research, St. George's Hospital
Compound, Near CST Rly. Station,
Mumbai – 400001.
3. The Scheduled Tribe Certificate Scrutiny
Committee, Kinwat Dist. Nanded,
Through its Joint Director,
CIDCO – Aurangabad.

4. The Dean,
S.R.T.R. Government Medical College,
Ambajogai, Beed.

5. The Maharashtra University of
Health Science, Through its
Registrar, Dindori Road,
Nashik.

.. Respondents

Shri U. R. Awate, Advocate i/by Talekar and Associates,
Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

Shri S. B. Pulkundwar, Advocate for the Respondent No. 5.

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

DATE : 27 JULY 2023.

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

. Heard learned counsel for the respective parties for final adjudication of the matters at the admission stage.

2. These three petitions are decided by this common order because common question of law and fact is involved. Petitioners Varad and Mayuri are siblings of Chandrakant Kaletwad. Petitioner Tanmay is their cousin and son of one Amol Kaletwad. There is common record of the scrutiny of their caste claims. The caste claims of the petitioners were invalidated and tribe certificates were directed to be confiscated by distinct orders passed on 18.07.2023 and 11.08.2022, which are the subject matter of challenge in these petitions.

3. All the petitioners would rely upon the validity certificates issued to Pallavi Dattatraya Kaletwad, Manvendra Balaji Kaletwad and Ravina Balaji Kaletwad. There is common genealogy, which is not disputed, showing paternal side relationship with the validity holders. The petitioners would urge that the validity certificate was issued to Pallavi Dattatraya Kaletwad by order dated 28 March 2023 passed by this Court in Writ Petition No. 3459 of 2023, which is on record.

4. According to the petitioners in the wake of the clinching material of the validity certificates and the order passed by this Court, on the ground of parity they are entitled to validity certificates.

5. The learned Assistant/Additional Government Pleader supports the impugned judgments and orders. According to them the school record of the relatives was not compatible with the caste claims of the petitioners. There was no cogent evidence in support of the claims. The affinity test was rightly recorded against the petitioners. The validity certificates were rightly discarded by the Scrutiny Committee because of the suppression of material facts and misleading genealogy. He would submit that no interference is called for in the impugned judgment and order.

6. We have considered rival submissions of the parties. The genealogy which is produced on record is not disputed. On the

basis of the identical material on record Pallavi was issued with the validity certificate by the order passed by this Court in Writ Petition No. 3459 of 2023. We have gone through the text of the order of the High Court, which is at page No. 96 of the paper book in Writ Petition No. 9105 of 2023. A detailed order was passed considering contrary entries, submissions on merits and the relevant case laws. When one of the close relatives of the petitioners has met with threadbare scrutiny by the High Court, we do not propose to take any contrary view.

7. It is noticed that a conditional validity was issued to Pallavi by this Court in the above referred matter. All the petitioners are also entitled to validity certificates on certain conditions. It is open for the Scrutiny Committee to undertake the exercise of revification of the validity certificates of the validity holders.

8. The impugned judgments and orders are unsustainable and liable to be quashed and set aside. We, therefore, pass following order.

ORDER

A. The writ petitions are partly allowed.

B. The impugned judgments and orders dated 18.07.2023 and 11.08.2022 passed by the respondent/Scrutiny Committee are quashed and set aside.

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

- (i) The validity certificates shall be subject to the outcome of the revocation proposed by the committee of the validity holders.
- (ii) The petitioners shall not claim equity and shall co-operate with the enquiry of reverification.

C. The writ petitions are disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23