

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

**WRIT PETITION NO. 9295 OF 2019
WITH
CIVIL APPLICATION NO. 7637 OF 2020**

**RAJASHREE RAJENNA LOLAPWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**AND
WRIT PETITION NO. 9362 OF 2019**

**PRASHANT NARAYAN LOLAPWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Advocate for Petitioners : Mr. C.R. Thorat
Addl. G.P. for Respondent/s – State : Mrs. M.A. Deshpande

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

DATED : 18 July, 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard learned counsel for the parties and taken up for final adjudication with their consent.

2. The petitioners are assailing distinct judgment and orders passed by the Scrutiny Committee invalidating their claims as belonging to ‘Mannervarlu’ scheduled tribe. Both the petitioners are close relatives. Common material is examined by the Scrutiny Committee. Therefore, we propose to decide the petitions by this

common order. We are referring to the documents in the matter of Rajshree in Writ Petition No. 9295/2019.

3. The petitioners are relying upon the validity certificate of Gangareddy Vitthal Lolapod. They further rely upon vigilance report, the order passed in Gangareddy, few entries in School record of the relatives comprising old entries and genealogy.

4. Learned AGP defends the impugned judgment and orders. According to him, the Scrutiny Committee rightly appreciated the contrary entries, manipulations in the School record in respect of Devkrupa, Sheshbai, Gangareddy, Narayan and Sainath. The Committee is justified in discarding validity certificate of Gangareddy. It was obtained on the basis of validity certificate of Sainath which was issued without vigilance enquiry. The validity certificates are rightly held to be unreliable.

5. Learned AGP has produced original file to show contrary entries. It is further submitted that the petitioners failed to comply with the interim orders passed in this matter on 14 December 2020, which is as follows :

“1. Learned advocate for the petitioners states, it appears that original school record of

Devkrupa Vitthalrao Lolawad, Sheshabai Potanna, Gangareddy Vitthal Lolapod, Narayan Potanna and Sainath Bhimrao Lolpod would be relevant.

2. As such, original record may be made available along with deputation of a person conversant thereto. Petitioner to bear cost for said purpose.

3. Stand over to 18th December, 2020.

4. Interim relief to continue.”

6. It is reported that the Scrutiny Committee has decided to reopen the case of Gangareddy.

7. We have considered the submissions of the parties and the documents on record. It is noticed that there was vigilance enquiry conducted in the matter of Gangareddy. Thereafter, by reasoned order he was issued with validity certificate. All the contrary entries were already considered in the matter of Gangareddy. It appears that due procedure was followed for issuing validity certificate to Gangareddy. On the ground of parity, the petitioners are entitled to validity certificates on certain conditions. We are supported by judgment of the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat

Swarakshan Samiti Versus State of Maharashtra and Others, 2023 SCC

Online SC 326.

8. The submissions of learned AGP in respect of the infirmities in case of validity certificate of Gangareddy cannot be examined. The Scrutiny Committee has already decided to re-open the case of Gangareddy. Unless the validity certificate of Gangareddy is revoked or cancelled, we are bound to rely upon the same.

9. This Court wanted to peruse the school record of few relatives. Hence order was passed on 14.12.2020. It is evident from order of validity of Gangareddy that the school record of the relatives referred in above order was considered and then validity was issued to Gangareddy. The non compliance of interim order does not affect the merit of the present case. The school record has already been considered.

10. We hold that the Scrutiny Committee committed perversity in rejecting the validity certificates to the petitioners. An interference in the impugned judgment and order is warranted and we do so in the following manner :

- i. The judgment and order dated 04 July 2019, passed by the Scrutiny Committee in the matters of

Rajshree and Prashant, are quashed and set aside.

ii. The Scrutiny Committee shall issue caste validity certificates in favour of Rajshree and Prashant for 'Mannervarlu' scheduled tribe within a period of two weeks from today, on condition that the same shall be subject to the further enquiry and re-verification proposed by the Scrutiny Committee and on further condition that the petitioners shall not claim any equities.

11. Civil Application stands disposed of.

12. Writ Petitions are disposed of in above terms.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)