

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

WRIT PETITION NO. 9207 OF 2023

Prajakta Rajesh Baswe

...Petitioner

Versus

1. The State of Maharashtra
Tribal Department, Through its Secretary, Mumbai.
2. The Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, Through its Deputy Director (R). ...Respondents

...

Advocate for Petitioner : Mr. Pratap V. Jadhavar
Addl. GP for Respondent/State : Mrs. M. A. Deshpande

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST 2023**

ORDER (Shailesh P. Brahme, J.) :

. Heard both the sides finally. Considering the urgency, the matter is taken up for final adjudication at the admission stage.

2. The petitioner is challenging the judgment and order dated 18.07.2023 passed by the respondent/Scrutiny Committee, invalidating her caste certificate of Mannervarlu scheduled tribe and confiscating the same. She is relying upon the validity certificates issued to her father, uncle Dinesh Bansilal Baswe and Rajesh Ravindra Baswe. She is also relying upon the old record.

3. The learned AGP supports impugned judgment and order.

According to him, the Scrutiny Committee did not commit any illegality in rejecting the caste claim. Considering the school record of the blood relatives of the petitioner having contrary entries, the Committee is justified in rejecting the caste claim. The validity certificates produced in support of the claim are also found to be unreliable.

4. We have considered rival submissions of the parties. The learned AGP has placed on record the original files of the petitioner and validity holder Dinesh Bansilal Baswe. It is also informed by him that the Scrutiny Committee has proposed to reopen the matters of the validity holders.

5. We have seen the vigilance report submitted in the matter of the uncle of the petitioner. The documentary evidence was considered in his case. Amongst the various documents, we find that the school record of Bansilal Ramlal Baswe, Ravindra Ramlal Baswe, Premabu Ramlal Baswe are old in nature having greater probative value. Dinesh was issued with validity certificate by reasoned order. We find that due procedure was followed in issuing validity certificate to him. The validity certificate so issued is reliable. We are of the considered view that the petitioner is entitled to the validity certificate.

6. The learned AGP has pointed out from the coloured photocopy from the record of the petitioner that there are contrary entries. When the Scrutiny Committee has proposed to undertake re-verification, the

contrary entries or the so called manipulation of the record can be looked into by the Scrutiny Committee. We are of the considered view that the Scrutiny Committee in the present matter committed illegality by invalidating the claim of the petitioner when the earlier Committees have issued validity certificate on the same set of record.

7. The validity certificate of uncle of the petitioner was not issued merely on the basis of the validity certificate issued to the maternal side relatives. The finding recorded by the Scrutiny Committee in that regard is totally unsustainable. We find that the petitioner has made out a case. The impugned judgment and order is unsustainable. We, therefore, pass the following order :

ORDER

- A. The writ petition is partly allowed.
- B. The impugned order dated 18.07.2023 passed by the respondent/ Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe) by tomorrow.
- C. It shall be subject to the decision/outcome in the matters to be reopened by the Committee of the validity holders.
- D. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.

E. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.