

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 9314 / 2023**

Pritam S/o Pralhad Kurewad

...Petitioner**Versus**

1. The State of Maharashtra,
Through its Secretary
Medical Education and Drugs Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad,
through its Deputy Director (R).

...Respondents**With****Civil Application No. 10965 / 2023****in****Writ Petition No. 9314 / 2023**

Organization for the Rights of the Tribals

...Petitioner**Versus**

1. Pritam S/o Pralhad Kurewad
2. The State of Maharashtra,
Through its Secretary

...Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner.

Mr. S. G. Sangale, AGP for Respondents/State.

None for Applicant

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

DATE : 31 AUGUST 2023.**FINAL ORDER [SHAILESH P. BRAHME, J.] :**

. Heard both the sides finally.

1. This writ petition is directed against the judgment and order dated 10.07.2023 passed by the Scrutiny Committee, invalidating the

petitioner's tribe certificate of Mannervarlu scheduled tribe and confiscating the same. He is relying upon eight validity certificates issued to his paternal side close relatives. One of them is his father.

2. The learned AGP has opposed the claim of the petitioner. He would submit that there were orders of invalidation in case of Ganesh Annasaheb Kurewad and Santosh Aasaram Kurewad, which were suppressed. The school record indicated caste as Maratha, which was rightly appreciated by the Scrutiny Committee. It is further submitted that the manipulation in the school record was noticed in the case of Madhav, Shivaji, Ganesh and Dadaram. The validity certificates were obtained by misrepresentation and they are unreliable. It is therefore urged that no inference is called for in the impugned judgment and order.

3. The learned AGP has informed that the Scrutiny Committee has undertaken re-verification. The original papers of petitioner are made available during the course of hearing by him.

4. The genealogy is on record at page no.19. The relationship of the petitioner with validity holders is undisputed. Petitioner's father was issued with validity certificate by a reasoned order preceded by vigilance report. The report is placed on record at page no.33. It reveals that the old entry of the father of petitioner, Aasha and Akash were considered by the vigilance officer. We have no hesitation in relying upon the validity certificate of the father.

5. When selfsame record was already considered, the successive

Scrutiny Committee cannot take any contrary view. It is not permissible for the Scrutiny Committee to entertain any doubt about the school record, contrary entries or the manipulation of record. Only recourse for the Committee is to proceed for re-verification of validity certificates of earlier holders.

6. The Scrutiny Committee has undertaken re-verification. Unless the validity certificates are revoked, the petitioner cannot be denied the benefit of validity certificate. The petitioner has taken risk of claiming validity certificate subject to the outcome of re-verification.

7. The impugned judgment and order is unsustainable. Hence, we pass the following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned judgment and order dated 10.07.2023 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Scrutiny Committee shall issue tribe validity certificate of Mannervarlu scheduled tribe to the petitioner forthwith which shall be subject to outcome of re-verification undertaken by Committee.
- (iv) The petitioner shall not be entitled to claim equities.
- (v) Civil Application No.10965/2023 is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]