

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

931 WRIT PETITION NO. 9362 OF 2023

Sakshi Madhav Gandapwad

...Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department, Mumbai.
2. The Deputy Director (Research) and
Member Secretary, Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter, Aurangabad,
Dist. Aurangabad.

...Respondents

AND

932 WRIT PETITION NO. 9380 OF 2023

Shravani Baburao Gandapwad

...Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department, Mumbai.
2. The Deputy Director (Research) and
Member Secretary, Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter, Aurangabad,
Dist. Aurangabad.

...Respondents

...

Advocate for Petitioners : Mr. Thorat Chandrakant R.

Addl.GP for Respondents/State : Mr. P. S. Patil

...

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

DATE : 08 AUGUST 2023

ORDER (Shailesh P. Brahme, J.) :

. Heard both the sides finally.

2. The petitioners in both petitions are challenging the common judgment and order dated 19.07.2023 passed by the respondent no.2/Scrutiny Committee, invalidating their caste claim of Mannervarlu scheduled tribe.

3. The petitioners are related inter-se. They are relying upon the genealogy, validity certificate of Madhav, who is father of one of the petitioners and the documentary evidence.

4. The learned AGP supports the impugned judgment and order. According to him, the Scrutiny Committee has rightly discarded the validity certificates and considered the relevant record. He would point out the serious manipulation in the school record of Narayan and Tukaram. The petitioners and the validity holder suppressed order of invalidation passed in the matter of Shivraj.

5. The learned AGP has produced on record files of the petitioners, Madhav and Venkat. It is further informed that the Scrutiny Committee is conducting the re-verification of the validity certificate.

6. We have considered the rival submissions canvassed by the parties. There was vigilance enquiry in case of Madhav Shivraj. The

relevant record was considered. By a reasoned order Madhav was issued with validity certificate. The validity certificate would inure to the benefits of the petitioners.

7. On the same set of material the successive Committee cannot take any contrary view and discard the validity certificate of the close relatives of the validity holders. The Committee has a discretion to reopen the matters if any fraud is disclosed. Unless the validity certificates are revoked, the petitioners cannot be deprived of the caste benefits. In view of law laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785, we are of the considered view that the petitioners are entitled to validity certificate.

8. The learned AGP has drawn our attention to the files produced on record to show inconsistency in the genealogy, manipulation of the school record, the contrary entries. He would submit that the petitioners and validity holders have committed fraud. We cannot look into the submissions at this juncture. However the ends of justice would be met if the re-verification which is being conducted by the Scrutiny Committee is expedited.

9. We find that the judgment and order is liable to be quashed. We, therefore, dispose of the writ petitions by passing following order.

ORDER

- A. The writ petitions are partly allowed.
- B. The impugned order dated 19.07.2023 passed by the respondent no.2/Scrutiny Committee is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificates to the petitioners 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 certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- E. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.