

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

WRIT PETITION NO. 9381 OF 2023

1. PRERNA BALIRAM KUMBHARWAD
2. PRAVIN PARASRAM KUMBHARWAD
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents : Mr. S.K. Tambe

....

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

DATED : 02 AUGUST, 2023

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

1. Heard both sides. Considering the urgency that the petitioner no. 1 aspires for graduation through NEET UG 2023, decided finally.

2. The petitioners are cousins. Their caste claims are rejected by common judgment and order dated 24.07.2023, which is under challenge. They are placing reliance upon the order passed by this Court in Writ Petition No. 3967 of 2023 in the matter of Mayuri Purbhaji Kumbharwad Versus State of Maharashtra. They would submit that there are five validity holders which can be seen from genealogy.

3. Learned AGP opposes the claims of the petitioners. According to him, there is no illegality committed by the Scrutiny Committee. From the original files of Mayuri and Pravin, the inconsistency of the genealogy submitted by father of the petitioner no. 1 is pointed out. It is further submitted that there was suppression of material acts and the validity certificates are not reliable.

4. We have considered the submissions of the parties. We have also gone through the original files with the assistance of learned AGP. The genealogy is at page no. 24. There are five validity holders seen in the genealogy. Mayuri Purbhaji Kumbharwad is the paternal side cousin sister of the petitioners. Her caste claim was invalidated by order dated 02.08.2022. Being aggrieved, she had filed Writ Petition No. 3967 of 2023. It was allowed by order dated 14.07.2023, which is on record at page no. 62 of the paper book. We do not propose to take any contrary view. We find that the petitioners are entitled to validity certificates on certain conditions.

5. The Scrutiny Committee has decided to re-open the matters of the validity holders. The infirmities attempted to be pointed out by learned AGP from the record can be considered during re-verification. We hold that impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside.
- iii. Respondent no. 2 – Scrutiny Committee, shall immediately issue tribe validity certificates to the petitioners as belonging to ‘Mannervarlu’ scheduled tribe. Their validities shall be subject to the final outcome of the matters which the Committee intends to re-open of the validity holders.
- iv. The petitioners shall not claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/