

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

WRIT PETITION NO. 9476 OF 2019
WITH
CIVIL APPLICATION NO. 8126 OF 2020

ABHIJEET NARENDRAKUMAR CHATLAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale
Advocate for Respondent No. 3 : Mr. S.G. Karlekar
...

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

DATE : 04 SEPTEMBER 2023

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

1. Heard both sides finally.
2. The petitioner is assailing the judgment and order dated 18.07.2019, passed by the Scrutiny Committee, invalidating the tribe certificate of 'Mannervarlu' scheduled tribe and confiscating the same. The petitioner is relying upon the validity certificates issued to his father and cousin brother. On the ground of parity, he is challenging the impugned judgment and order.
3. Learned AGP would support impugned judgment and order. According to him, the tribe claim was rightly rejected by Scrutiny Committee, considering the contrary record of the blood relatives of the

petitioner. It is further submitted that the validity certificate of the father and his brother were rightly discarded because those were procured by suppression of material facts. Besides that, it is pointed out that there was a order of invalidation in matter of Sudhakar Gangadhar Chatlawar.

4. We have considered the submissions of both the sides. The documents on record indicate that there was vigilance report in the case of the cousin brother of the petitioner Shrinivas who is the first validity holder. Relevant documentary evidence were considered. Pertinently, an old record of Fasli 1347 (1937 AD) of Ramlu was also verified. It is not disputed that by reasoned order Shrinivas was issued with validity certificate.

5. We find that the validity certificate of Shrinivas is reliable one. We are guided by the principles laid down by the Supreme Court in the matter of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**. The old record of grandfather of the petitioner has a greater probative value. It is also an admitted fact that petitioner's father Narendra was also issued with validity certificate. We hold that the petitioner has made out a case for validity certificate.

6. The Scrutiny Committee should not have rejected the caste claim on the basis of self same record which was considered already in

the matter of Shrinivas. The contentions of learned AGP that there was interpolation in the school record of the Ashok Narayan Chatlawar is not sufficient to deprive the petitioner from the validity certificate.

7. The same entry was already considered in the matter of Shrinivas. Therefore, unless the validity certificate of Shrinivas is revoked, the petitioner cannot be denied the same social status.

8. As the Scrutiny Committee has already proposed re-verification, we do not prefer to consider the objections regarding the contrary record, interpolation, etc. At this juncture, we are of the considered view that the petitioner is entitled to validity certificate conditionally. For the reasons stated above, we find that the impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 18.07.2019, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be

taken by the Committee in the matters which it intends to reopen in respect of the validity holders.

iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.

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

vi. Pending Civil Application stands disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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