

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

WRIT PETITION NO. 10375 OF 2021

**VISHAL DATTA JAWADWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondent Nos. 1 & 2 : Mr. P.S. Patil

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

DATE : 06 JULY 2023

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

1. Heard learned counsel for the parties and taken up for final hearing at the admission stage.
2. The petitioner claims to be the member of scheduled tribe 'Mannervarlu'. His tribe certificate was invalidated by the impugned judgment and order dated 09 September 2021, by the Scrutiny Committee. Being aggrieved the present petition is filed.
3. The petitioner banking his claim on the validity certificates issued to his close relatives. Even one of the relatives Akash is issued validity certificate in pursuance of the orders passed by Division Bench in Writ Petition Stamp No. 21463 of 2020. The

petitioner further submits that there is no dispute about the relations with the validity holders and no contrary entry which was left to be considered earlier by the Scrutiny Committee.

4. The Scrutiny Committee considered the report of the Vigilance Officer. The Committee found that the recording of the tribe in case of the relatives of the petitioner was intentional to derive the benefits of the social status. The school record of the relatives was found to be incompatible with the claim. Manipulation of the school record was also noticed in case of Eknath and Narsing. The validity claim of Prabhavati was invalidated by the Committee.

5. So far as the validity certificates of 11 relatives produced before the Committee are concerned, those were recorded to be procured true on material facts. The contrary entries were not properly considered. An affinity test was also recorded to be against the petitioner. Learned AGP supports the impugned judgment and order.

6. It is noticed that genealogy which is at page no. 29 is not disputed. There are in all 11 validity holders in the family of the petitioner. They are paternal side relatives. There is no reason shown

by learned AGP for not relying upon their validity certificates. We find that Scrutiny Committee committed patent illegality in discarding the reliable material. One of the validity holders, Akash was issued validity certificate in pursuance of orders passed by Division Bench in Writ Petition Stamp No. 21463 of 2020. Rutuja whose claim was invalidated by the Committee was also issued with validity certificate after the intervention of the High Court. Considering the principles laid down in paragraph nos. 22 to 24 of judgment of Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others, 2023 SCC Online SC 326. The claim of the petitioner deserves to be allowed conditionally.

7. For the reasons mentioned above, we dispose of this petition in following terms :

- i. The judgment and order dated 09 September 2021, is quash and set aside.
- ii. The Scrutiny Committee shall issue validity of scheduled tribe 'Mannervarlu' to the petitioner within a period of two weeks from today, on condition that the validity certificate shall be subject to the outcome

of proposed revocation or cancellation of the validity certificates of the relatives of the petitioner and the petitioner shall not claim any equity.

iii. The petition is partly allowed in above terms without there being any costs.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

spc/-