

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

WRIT PETITION NO. 9302 OF 2023

Atul s/o Babasaheb Satewad

...Petitioner

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
Through its Dy. Director (R) Dist.
Aurangabad.

...Respondents

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents/State : Mr. S. K. Tambe

...

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

DATE : 01.08.2023

PER COURT :

. Heard both the sides. Considering the urgency, matter is taken up for final hearing.

2. The petitioner is challenging judgment and order dated 25.07.2023 passed by the Scrutiny Committee, invalidating his tribe claim for scheduled tribe 'Mannervarlu'. He is relying on the validity certificate issued to his father, Babasaheb Satewad. According to him, the Scrutiny Committee committed patent illegality in discarding the validity certificate.

3. The learned AGP supports impugned judgment and order. According to him, the validity certificate of the petitioner's father is unreliable because the same was based upon validity certificate of Vijaymala Bhimrao, who was not a paternal side relative. The school record was incompatible with the claim of the petitioner. The validity certificate of the father is vitiated because of the participation of Mr. B.V. Shirurkar and V.S. Patil as a member of the Committee.

4. We have considered the rival submissions of the parties. We notice that the petitioner's father was issued validity certificate by reasoned order on the basis of due vigilance enquiry. The entries in the school record of the close relatives were considered by the Committee in case of his father. We find that the validity certificate of father is reliable.

5. The learned AGP is not in a position to point out any circumstance to discard the validity certificate of the petitioner's father. We find that the findings in this regard recorded by the Scrutiny Committee are unsustainable and perverse.

6. It is informed by the learned AGP that the Committee has already reopened the matter of petitioner's father. The objections regarding the validity certificate, contrary entries can be taken care of during the re-verification. We do not propose to consider those objections in the

writ jurisdiction. We hold that the Scrutiny committee committed perversity and patent illegality in rejecting the caste claim of the petitioner. We, therefore, pass the following order.

ORDER

1. The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlu*' scheduled tribe. It shall be subject to the decision to be taken by the committee in the reopened matters.
2. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]