

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

WRIT PETITION NO. 9163 OF 2023

Aniket s/o Balaji Yewate

...Petitioner

Versus

1) The State of Maharashtra

2) The Scheduled Tribe Caste Certificate

Verification Committee, Kinwat,

Aurangabad. Through its Member Secretary.

...Respondents

...

Advocate for Petitioner : Mr. Sagal S. Phatale

AGP for Respondents/State : Mr. A. A. Jagatkar

...

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

DATE : 01.08.2023

PER COURT :

1. Heard both the sides finally, considering the urgency in the matter.

2. The petitioner is challenging judgment and order dated 26.07.2023 passed by the Scrutiny Committee, invalidating his tribe claim of scheduled tribe 'Mannervarlu'. He contends that he is discriminated because there were caste validity certificates of his father and uncle. He further points out the validity certificate issued to Shruti Jagdish Ambulgekar by the High Court in Writ Petition No.1276/2021.

3. The learned AGP supports impugned judgment and order.

According to him, the Scrutiny Committee has rightly discarded the validity certificate. Considering the contrary entries and manipulation of the school record of the close relatives, the petitioner was not entitled to get the validity certificate.

4. The petitioner has placed on record genealogy at page no.42. It can be seen that Shruti is a daughter of Jagdish Ambulgekar, who is paternal side relative of the petitioner. The relationship is not disputed. Petitioner's father Balaji and Satish were issued with the validity certificates. Those validity certificates are reliable because they were issued after following due procedure of law.

5. The petitioner has also placed on record the order dated 27.01.2021 passed by the High Court in Writ Petition No.1276/2021 in the matter of Shruti Jagdish Ambulgekar and Another Vs. State of Maharashtra and Others. The caste certificate was invalidated by the Scrutiny Committee, which was challenged before the High Court. The writ petition was allowed and the Committee was directed to issue validity certificate to the petitioners. In the wake of the orders passed by the High Court, we do not have any hesitation to direct the Committee to issue validity certificate to the petitioner on certain conditions.

6. The impugned judgment and order is arbitrary and unsustainable. 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, which 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.]