

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****Writ Petition No. 9159 / 2023**

Sakshi d/o Ganesh Narod,
 Age 19 years, Occu. Student,
 R/o. Narod Galli, Biloli,
 Tq. Biloli, Dist. Nanded,
 At Present : Shriniwas Apartment,
 Plot No.202, Vishal Nagar,
 Dist. Nanded.

...Petitioner**Versus**

1. The State of Maharashtra,
 Through its Secretary,
 Tribal Development Department,
 Mantralaya, Mumbai.
2. The Deputy Director (Research)
 and Member Secretary,
 Scheduled Tribe Certificate
 Verification Committee, Kinwat,
 Headquarter Aurangabad,
 Near CIDCO Bus Stand, Aurangabad.

...Respondents

- - -

Mr. Chandrakant R. Thorat, Advocate for the Petitioner

Mr. S. G. Sangale, AGP for Respondent/State

- - -

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

DATE : 31 JULY 2023.**FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :**

. Heard both the sides. Considering the urgency in the matter, the matter is taken up for final disposal at the admission stage.

1. The petitioner was issued with caste certificate of scheduled tribe Mannervarlu. It was invalidated by judgment and order dated 25.07.2023 passed by the Scrutiny Committee. Hence the present petition is filed. The reliance is placed upon the validity certificate issued to father Ganesh. Other corroborative material is also placed on record.

2. The learned AGP opposes the petition. According to him, reasonable and proper view was taken by the Scrutiny Committee in rejecting the caste claim. There are contrary entries against the petitioner. The Committee rightly discarded the validity certificate of the father, which was based upon the validity certificate issued to a person related on maternal side.

3. We have considered the rival submissions of the parties. We noticed that there is a vigilance enquiry in case of the present matter. The petitioner filed reply to the report also. There was vigilance enquiry in case of her father. A report thereof is of page no.55. Thereafter validity certificate was issued to him. We find that the validity certificate of the father is reliable. The petitioner is entitled to enjoy equal status as per the law laid down by the Supreme Court in case of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785.

4. The entries in the school record of close relatives which are at serial no.1, 3 and 4 of the table in paragraph no.3 of the impugned

judgment are consistent with caste claim. The entries of the persons which are referred at serial nos. 6 to 9 in the same table are not relevant. In a reply to the vigilance report submitted by the petitioner in paragraph no.6, the relationship is denied.

5. We further noticed that the averments in the sale deeds relinquishing the tribe status cannot be accepted. The petitioner has specifically denied the relationship with Smt. Girjabai, Embadwar Piraji as well as Vrandawilli Sattyanarayan and Dattatray.

6. The Committee has proposed to reopen the validity issued to the father. We hold that till the validity of the father is revoked, the petitioner is entitled to conditional validity.

7. The impugned judgment and order is unsustainable. We, therefore, allow the writ petition partly by quashing and setting aside the judgment and order dated 25.07.2023.

8. The Scrutiny Committee shall issue validity certificate in favour of the petitioner for 'Mannervarlu' within a period of two weeks on condition that the validity certificate shall be subject to the outcome of the re-verification proposed by the Scrutiny Committee in case of validity holder. The petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]