

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 9204 / 2023

Shravani d/o Sainath Mandalekar,
Age 19 years, Occu. Student,
R/o. Karkheli, Tq. Dharmabad,
Dist. Nanded.
At present: Row House No.24,
Guru Nanak Nagar, Gondhavani Road,
Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar.

...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

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Mr. Chandrakant R. Thorat, Advocate for the Petitioner.

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

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

DATE : 31 JULY 2023.

FINAL ORDER [PER : SHAILESH P. BRAHME, J.] :

. Heard both the sides for final disposal.

1. The petitioner is challenging the judgment and order dated 27.07.2023 passed by the respondent no.2/Scrutiny Committee, invalidating her caste claim and confiscating the caste certificate for being scheduled tribe 'Mannervarlu'. In support of her claim, she has placed validity certificate issued to Govind and Narayan. According to her, the impugned judgment and order is discriminatory, which discarded the validity certificate.

2. The learned AGP opposes the petition. According to him, there is no illegality or perversity in the impugned judgment and order. The validity certificate of Narayan was obtained by suppressing material facts and by submitting a misleading genealogy. He would further submit that Narayan was issued with validity certificate on the basis of validity issued to one Ramesh Eranna Mukhedkar, who was not his relative.

3. The learned AGP further objects the validity certificate issued to Govind because when the validity was issued during the tenure of Assistant Commissioner Mr. V.S. Patil, who was mastermind of various illegalities at the relevant time.

4. The genealogy is produced on record at page no.59. The relationship of the petitioner with Govind and Narayan, who are validity holders, is undisputed. There was vigilance enquiry in case of Narayan. It can be seen from the report which is at page no.56 that the entries in the school record were disclosed. By a reasoned order dated 10.01.2008, he was issued with validity certificate. Similarly in case of validity holder Govind, there was reasoned order. In the wake of the validities issued to above said paternal side close relatives, the petitioner deserves the similar treatment.

5. The learned AGP is unable to point out any apparent fraud to restrain us from relying upon the validity certificate. His objection for the validity certificate issued to Narayan can be gone into the matter of re-verification. Narayan was not issued validity certificate only on the basis of validity of Ramesh, other documentary evidence was also taken into account.

6. The submission of the learned AGP objecting validity certificate issued to Govind has no merit. The judgment of Committee is by majority.

7. We find that the impugned judgment and order is unsustainable. Therefore, the writ petition is partly allowed. The judgment and order dated 27.07.2023 passed by the Scrutiny Committee, is quashed and set aside.

8. The Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu scheduled tribe' to the petitioner within a period of two weeks which shall be subject to the outcome of re-verification of close relatives of the petitioner.

9. The petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]