

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

WRIT PETITION NO. 9552 OF 2023

Sumit Maroti Perke,
Age- 18 years, Occu.: Education,
R/o Manjram, Tq. Naigaon,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Head Quarter, Aurangabad
Through its Deputy Director (R). .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 AUGUST 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission the stage considering the urgency expressed by the petitioner.

2. The petitioner is assailing judgment and order dated 28.07.2023 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe claim for being 'Mannervarlu' (Scheduled

Tribe).

3. The petitioner is relying upon the validity certificates of Maruti Ganesh Perke, Ganesh Venkatrao Perke and Shivaji Bhavrao Perke. The petitioner would submit that the validity certificates were issued after following due procedure of law and they are reliable.

4. The learned Assistant Government Pleader would support the impugned judgment and order. According to him the scrutiny committee is justified in rejecting the caste claim considering the contrary entries of the school record and manipulation found in the school record of the blood relatives of the petitioner. According to him the validity certificates are rightly discarded by the Committee.

5. The petitioner is relying upon validity certificates issued to close paternal side relatives which can be seen from the genealogy namely Maruti, Ganesh, Shivaji, Govind, Kailas, Digambar and Surekha, etc. Out of them Maruti is the father of the petitioner. It appears that there was vigilance enquiry conducted in his matter. He was issued validity certificate by reasoned order. His validity certificate is reliable one in view of the judgment of the Supreme Court in the matter of in the case of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785.**

6. The scrutiny committee has decided to reopen the validity certificates of the relatives of the petitioner. It is inappropriate to comment upon the objection raised by the petitioner in respect of contrary entries and validity certificates supporting the petitioner at this juncture. During the course of reverification it is open for the scrutiny committee to consider the matter in order to determine whether there is any fraud. The petitioner cannot be deprived of the validity certificate till the validity certificates of his father and other relatives are intact. We propose to grant conditional validity to the petitioner.

7. We notice that validity holder Shivaji Bhavrao Perke was issued validity certificate by reasoned order. In his case also there was vigilance enquiry. His validity certificate is also reliable one, additionally.

8. We find that the impugned judgment and order is perverse and unsustainable. It deserves to be quashed and set aside.

9. For the reasons recorded above, we pass following order.

10. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Mannervarlu’ scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

11. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23