

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

WRIT PETITION NO. 9512 OF 2023

1. PRAGATI DEVIDAS POGULWAD
2. PRATIK GANGADHAR POGULWAD
3. PRATIKSHA GANGADHAR POGULWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. P.V. Jadhavar

AGP for Respondents : Mr. S.G. Sangle

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

DATED : 07 AUGUST, 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard both the sides finally.
2. The petitioners are challenging common impugned judgment and order dated 27.07.2023, invalidating their caste certificate of 'Mannervarlu' scheduled tribe. They are relying upon the validity certificate of Devidas Hanumantrao Pogulwad.
3. Learned AGP would submit that there were contrary entries of the school record. The validity certificate was not reliable as it was obtained by suppression of material facts.

4. We have considered rival submissions of the parties. We have also gone through the original file of validity holder Devidas. There was vigilance enquiry conducted in the matter of Devidas. In the said enquiry, the documentary evidence of blood relatives was considered which was compatible with the caste claim. By reasoned order, Devidas was issued with the validity certificate. The Scrutiny Committee committed perversity in recording that the validity certificate issued to Devidas was based upon validity certificates of Pralhad Pandhari Yeote and Vitthal Sayajirao Deshatwar only. Other documentary evidence was also considered.

6. We find that the validity certificate of Devidas is reliable. The petitioners are entitled to validity certificate on condition. As the Scrutiny Committee has undertaken to reopen the validity certificate, it would not be appropriate for us to offer any comments for the infirmities pointed out by learned AGP.

7. For the reasons stated above, the impugned order is unsustainable. Hence, we pass following order :

ORDER

- i. The Writ Petition is partly allowed. The impugned order is quashed and set aside. The committee shall

immediately issue tribe validity certificate to the petitioners as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.

ii. The respondent – Scrutiny Committee shall issue certificate of validity to the petitioners in the prescribed format without putting up any additional endorsement thereon.

iii. Petitioners and their blood relations shall cooperate the Committee in early decision of the reopened matters.

iv. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)