

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 9629 / 2023

Vishnukant s/o Nagendra Jakkewad

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Office at Aurangabad
Through its Member Secretary.

...Respondents

WITH

Civil Application No. 10541 / 2023
IN
Writ Petition No. 9629 / 2023

Organization for the Rights of the Tribals

...Applicant

Versus

1. Vishnukant s/o Nagendra Jakkewad
2. The State of Maharashtra,
Through its Secretary

...Respondents

Mr. Sagar S. Phatale, Advocate for the Petitioner.

Mr. A.S. Shinde, AGP for respondents/State.

None for the Applicant.

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

DATE : 24 AUGUST 2023.

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

. Heard both the sides finally at the admission stage.

2. The petitioner is challenging the judgment and order dated 27.07.2023 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe claim as belonging to Mannervarlu scheduled tribe. The petitioner is relying upon the validity certificate of Gangadhar and the school record of the relatives.

2. The learned AGP supports the impugned judgment and order. He would submit that the Scrutiny Committee has considered the contrary entries and the manipulation in the school record in rejecting the caste claim. The school record of Irba Jalba and Honaji Motiram clearly shows tampering of the record. The validity certificate was issued to Gangadhar overlooking the manipulations and by relying upon the validity certificates of maternal side relatives. There is no reason to exercise writ jurisdiction for upsetting the impugned judgment and order.

3. We have considered rival submissions of the parties. The learned AGP has produced on record the original papers of petitioner and validity holder, Shankar Mahajan Jakkewad. The petitioner has placed on record the vigilance report in the matter of Gangadhar. It reveals that there was due verification of the school record. There is no dispute that a reasoned order was passed in the matter of Gangadhar.

4. Another validity holder, Shankar was issued validity certificate by a reasoned order. When selfsame record was considered on

earlier occasions, the Committee could not re-appreciate the evidence and come to contrary finding. The relationship of the petitioner with the validity holders are undisputed. The validity certificates are binding and should enure to the benefit to the petitioner.

5. For the reasons stated above, we find that the Scrutiny Committee has committed perversity in rejecting the caste claim of the petitioner. The objection of the learned AGP for the genealogy produced in the file of Shankar can be looked into by the Committee during re-verification. The petitioner is entitled to conditional validity. Therefore we are inclined to allow this petition partly by passing following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned judgment and order dated 27.07.2023 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Scrutiny Committee shall immediately issue tribe validity certificate of scheduled tribe 'Mannervarlu' to the petitioner, which shall be subject to the outcome of re-verification.
- (iv) The petitioner shall not be entitled to claim equities.
- (v) Civil Application No. 10541/2023 is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]