

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

WRIT PETITION NO. 9830 OF 2023

Ajay s/o Sayanna Karhade
Age: 17 years, Occu. : Education
Petitioner being minor represented
Through his father
Shri Sayanna Iranna Karhade,
Age : 46 years, Occu : Service,
R/o Narangal, Tq. Degloor,
Dist. Nanded .. Petitioner

Versus

1. The State of Maharashtra,
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai – 32.
2. Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Office at Aurangabad,
Through its Member Secretary. .. Respondents

Shri Sagar S. Phatale, 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 learned counsel for the respective parties. Matter is taken up for final hearing at the admission stage considering the urgency expressed by the petitioner.

2. The petitioner is assailing judgment and order dated 01.08.2023 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe claim of the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe).

3. The petitioner is relying upon the validity certificate issued to his father, uncle and four cousins. He is also relying upon the old record of the relatives indicating caste as Mannervarlu.

4. The learned Assistant Government Pleader supports the impugned order. He would submit that there was suppression of contrary entries in the school record of Saylu Iranna Karhade, uncle of the petitioner. The validity certificate of Aditya is unreliable. The validity certificate of Saylu is void because it was issued during the tenure of Mr. V. S. Patil, the then Assistant Commissioner. He would submit that the Scrutiny Committee is justified in rejecting the caste claim.

5. The learned A. G. P. has also produced on record original papers in the case of validity holder Aditya and the petitioner.

6. We have considered rival submissions of the parties. It reflects from the record that there was vigilance enquiry in the case of Aditya. The school record of the close relatives was examined by the Scrutiny Committee. Thereafter a reasoned order was passed issuing validity certificate. The Scrutiny committee erred in holding that the validity certificate was

issued to Aditya only on the basis of validity certificate of the maternal side relatives.

7. It is further noticed that the petitioner's father was issued with the validity certificate by a reasoned order. In same set of facts when validity certificates are issued to the blood relatives of the petitioner, the successive committee cannot reappreciate the material. In that view of the matter, the Scrutiny Committee has committed patent illegality in rejecting the caste claim of the petitioner.

8. The objections raised by the learned A. G. P. regarding suppression of material facts, contrary entries and manipulation of the record cannot be gone into at this juncture. It is open for the Scrutiny Committee to examine the same during the reverification. Till the validity certificates are cancelled, the petitioner cannot be deprived of the same social status. We are of the considered view that the impugned judgment and order is unsustainable. Same is 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