

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

WRIT PETITION NO. 9658 OF 2023

SOHAM S/O. RAJESH GAJULWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

....
Advocate for Petitioner : Mr. C.R. Thorat
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.
2. The petitioner is taking exception to judgment and order dated 01.08.2023, invalidating his caste claim for 'Mannervarlu' scheduled tribe. The petitioner has pressed into service five validity certificates of paternal side close relatives. Besides that, the old record of Lingojee Bhemrao Gajulwad, Vishwanath Bhimrao Gajulwad, Shanta Motiram Gajulwad and Shakuntala Kashiram Gajulwad and Nilawati Kashiram Gajulwad, is also relied on.
3. Learned AGP would point out that the validity certificates are not reliable. The school record of the close relatives of the petitioner is incompatible. The record in case of the few relatives is found to be tampered. Therefore, it is submitted that the Committee is justified in rejecting the caste claim.

4. Learned AGP has further informed that the show cause notices are issued to the validity holders and next date is 23.08.2023. The original papers of the petitioner and Rajesh Lingojeerao Gajulwad are also placed on record.

5. We notice that there are five validity holders as evident from genealogy at page no. 54. Petitioner's father, aunts and uncle are the validity holders. In case of validity holder Surekha, there was vigilance enquiry and reasoned order of validity. There is old record of Lingojee Bhimrao Gajulwad showing caste as 'Mannervarlu'. The original file of petitioner's father Rajesh reveals a reasoned order based upon various documentary evidence. We have no doubt that the validity certificates issued to petitioner's father Rajesh and aunt Surekha are reliable. The petitioner is entitled for the validity certificate.

6. The Scrutiny Committee has already issued show cause notices to the concerned validity holders. We do not propose to offer any comments for the submissions of learned AGP regarding infirmities pointed out from the original files. The Committee is competent to look into the objections during the course of re-verification.

7. For the reasons stated above, we hold that the impugned judgment and order is liable to be quashed and set aside. 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 petitioner in the prescribed format without putting up any additional endorsement thereon.
- iii. Petitioner and his blood relations shall cooperate the Committee in early decision of the reopened matters.
- iv. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/