

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 9717 OF 2023

Pranita d/o Baburao Gajulwar
through natural guardian father
Baburao Shankarrao Gajulwar

...Petitioner

Versus

1) The State of Maharashtra
Tribal Development Department, Mumbai.

2) The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat,
Through its Member Secretary,
Aurangabad.

...Respondents

...

Advocate for Petitioners : Mr. Phatale Sagar S.
Addl.GP for Respondents/State : Mrs. M.A. Deshpande

...

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

DATE : 07 AUGUST 2023

FINAL ORDER [SHAILESH P. BRAHME J.] :

. Heard both the sides finally at the admission
stage.

2. The petitioner is aggrieved by invalidation of
her caste claim of 'Mannervarlu' scheduled tribe
rendered on 01.08.2023 by the Scrutiny Committee.
She is relying upon the orders passed by the High
Court in the matter of Gamanashree Venkat

Gajulwar, Aishwarya Suresh Gajulwar and Gajanan Babu Gajulwar. When the paternal side relatives were issued with validity certificates, it is discriminatory for the Scrutiny Committee to deny the validity certificate.

3. The learned AGP supports judgment and order. According to him, the petitioner failed to adduce consistent and cogent evidence to make out a case for caste validity. The documentary evidence produced on record of the school record of the relatives and census report of 1951 is totally incompatible with the claim of the petitioner. Besides that the Scrutiny Committee is rightly rejected the claim considering the manipulation in the school record. The validity certificates are procured by suppressing material facts and liable to be discarded.

4. The petitioner has placed on record the genealogy which is at page no.28. It reveals that Avinash, Gamanashree, Mansi, Ashok, Manohar, Gammeshree, Parvati, Gajanan, Aishwarya, Shobha are the validity holders, who are paternal side close relatives. The orders passed by the High Court in the matter of Gamanashree in Writ Petition No.8930/2018, in the matter of Aishwarya in Writ Petition No. 10027/2018 and in the matter

of Gajanan in Writ Petition No.129/2021 are placed on record. The caste claim of the petitioners before the High Court were invalidated, however they were successful before the High Court. The reasoned orders are passed by the High Court. We do not propose to reconsider similar set of record. The validity certificates which were issued by the High Court are required to be relied upon in the present matter. The petitioner is also entitled for the validity certificate on certain conditions.

5. The learned AGP has informed that the Scrutiny Committee is intending to reopen the matters of the validity holders. The petitioner is entitled to the validity certificate, unless and until the validity certificates of her close relatives are revoked. The objections of the learned AGP regarding the infirmities and various types of record can be gone into by the Scrutiny Committee during re-verification.

6. For the reasons stated above, the impugned judgment and order is arbitrary. We, therefore, pass following order.

O R D E R

[i] The Writ Petition is partly allowed. The

impugned order dated 01.08.2023 is quashed and set aside. The Committee shall immediately issue tribe validity certificate to the petitioner 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 their 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.]