

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

WRIT PETITION NO. 9844 OF 2023

Kum. Anisha D/o. Gangadhar Totlod
Through Guardian i.e father
Gangadhar Yadavrao Totlod ...Petitioner

Versus

The State of Maharashtra and others ... Respondents

Advocate for the Petitioner : Mr. M.A.Golegaonkar
A.G.P for the Respondents/State : Mr. S.G. Sangale

....

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

DATED : 09th AUGUST, 2023

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

1. Heard both the sides finally at the admission stage.
2. The petitioner is assailing the judgment and order dated 02.08.2023 passed by the respondent Scrutiny Committee invalidating caste claim of 'Mannervarlu' Scheduled Tribes. In the wake of decision of High Court in the matter of Aakansha, real sister of the petitioner, the Scrutiny Committee should not have rejected the caste claim, is the substance of his grievance.
3. Learned AGP supports impugned judgment and order. The

Scrutiny Committee is justified in rejecting the caste claim considering the contrary entries in the school record and the manipulation in the school record of Shankar, Narayan and Gangamani. According to him, a forged record was created in respect of grandfather of the petitioner Yadavrao.

4. The petitioner has placed on record, an order dated 20.11.2020 passed in Writ Petition (Stamp) No. 21444 of 2020 in the matter of *Akansha Gangadhar Totlod V/s. State of Maharashtra and others*. The petitioner is real sister of Akansha. High Court had an occasion to consider same set of material. The petition was allowed and directions were given to issue validity certificate subject to condition. We also propose to adopt the same course.

5. The Scrutiny Committee has issued a show cause notice to the validity holder. We therefore, constrain ourselves from offering any comments on the submissions of learned AGP. The Scrutiny Committee has power to look into the objections during re-verification.

6. The petitioner is entitled to validity certificate conditionally. The impugned judgment and order is arbitrary and unsustainable.

ORDER

i) 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.

ii) The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/