

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

905 WRIT PETITION NO. 9918 OF 2023

1. PALLAVI NARESH IJJAPWAR
2. SWAPNIL SAHEBRAO IJJAPWAR
3. SONAL SAHEBRAO IJJAPWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. S.G. Sangale

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

DATE : 10 AUGUST 2023

PER COURT :

Heard both the sides.

2. The petitioners are challenging common order dated 02 August 2023, passed by the respondent no. 2 – Scrutiny Committee, invalidating their caste claim as belonging to ‘Mannervarlu’ scheduled tribe.

3. Learned counsel for the petitioners points out that there are more than 15 to 20 validity holders in the family. There is no dispute about the genealogy. Petitioners’ blood relative from the paternal side namely Vidya Vijay Ijjapawar has been granted certificate of validity by this Court way back in the year 2018. He submits that the Committee has raised doubt about the legality of the validity certificates by observing that some of them were issued by a dubious Committee

regarding which the Government had taken a decision to undertake a review of its orders headed by one Mr. G.S. Patil. The Scrutiny Committee has also resorted to a ground of composition of the then Committee comprising of one of the three members who was not eligible. He submits that the petitioners are ready to run the risk of having validity subject the decision to be taken by the Committee in the reopened matters, which it has intended to reopen.

4. Learned AGP supports the impugned order.

5. Nowhere in the impugned order the Committee has disputed the genealogy. It is also not in dispute that several validity holders, are in the blood line of the petitioners' paternal side. As is pointed out herein above, Vidya Vijay Ijjapawar has been granted validity subject to condition that it would depend upon the outcome of the matters which the then Committee had intended to reopen in respect of her father and brother.

6. On a query, learned AGP submits that till date, there is no progress in that respect, meaning thereby, that in spite of the Committee having opposed Vidya's matter and had intended to reopen the validities of her father and brother, for last five years there is no progress. On the other hand the Committee is not extending the benefit of the validity to the petitioners who are blood relatives.

7. In the circumstances, following the decision in the matter of *Apoorva Nichale Versus Divisional Caste Certificate Scrutiny Committee and others*, **2010(6) Mh.L.J. 401** and *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**, we feel it appropriate that by quashing and setting aside the order, the petitioners are granted certificate of validity subject to a similar condition.

8. The Writ Petition is partly allowed. The respondent no. 2 – Scrutiny Committee shall immediately issue certificate of validity to the petitioners strictly in the format without incorporating any additional material. These certificates of validity shall be subject to the final outcome of the matters which the Committee has intended to reopen. The petitioners shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]