

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

WRIT PETITION NO. 9845 OF 2023

Vivek Ravikumar Surewad
Age. 18 years, Occu. Education
R/o Barbada, Tq. Naigaon
Dist. Nanded .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat
Head Quarter at Aurangabad,
Through its Dy. Director ®,
Dist. Aurangabad. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. K. Tambe, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST 2023.**

FINAL ORDER :

. Heard both sides. The petitioner is before us aggrieved by the order passed by the respondent No. 2/Scrutiny Committee in the proceedings under Section 6 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward

Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short “Act of 2000”) invalidating his tribe certificate as ‘Mannervarlu’ (Scheduled Tribe).

2. We have heard both sides and perused the record.

3. It transpires that apart from other several validity holders, the petitioner’s father Ravikumar Surewad and real paternal uncle Gajanan Surewad were issued with the validity certificates on 29 August 2002. The Committee has referred to it in paragraph No. 7 of the impugned order. The Committee has not independently demonstrated as to why these two validities cannot inured to the petitioner’s benefit. By reproducing the chart of the validity holders as many as nine apart from the father and paternal uncle, the committee has referred to one invalidity stated to be that of a cousin in which order was passed in the year 2006. All these validities apart from the father and uncle were issued right from 2006 till the 2011.

4. The Committee has vaguely observed that few contrary entries of the blood relations describing them to be either Mannurwar or Mannurwad were not before the Committee when the validity holders were issued with the validity certificates. The committee has also decided to reopen the validity certificates and has issued notices to the petitioner’s father and paternal uncle as well as others. If at all there are circumstances which enable the respondent No. 2/Scrutiny Committee to reopen these validities, is

a matter which would be relevant in that enquiry. We cannot make any comment about maintainability of those proceedings. Those will take own course.

5. However, simultaneously we cannot forget the fact that in view of Section 7(1) of the Act of 2000, the Committee will have to undertake threadbare scrutiny to confiscate and cancel the validity certificate. Till that time, it will have full force and the petitioner would be entitled to derive the benefit in the light of the judgment of this Court in the matter of **Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others** reported in **2023 (2) Mh. L. J. 785**, more so when the Committee has not observed that the validities were granted to the petitioner's father and paternal uncle without following due process of law.

6. In view of the above, we pass following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned order dated 01.08.2023 passed by the respondent No. 2/Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe).

C. The certificate of validity shall be subject to the decision/out

come in the matters to be reopened by the Committee in respect of validity holders.

D. The certificate of validity shall be issued in the prescribed format without incorporating other conditions.

E. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23