

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

WRIT PETITION NO. 9952 OF 2023

Poonam d/o Balaji Mittewad,
Age: 17 years, Occu: Education,
Petitioner being minor represented
Through her father
Balaji Santukrao Mittewad,
Age : 46 years, Occu : Service,
R/o Dhapka Gundupant,
Tq. Mukhed, Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai-400 001.
2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat office at
Aurangabad,
through its Member Secretary. .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 AUGUST 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission the stage
considering the urgency expressed by the petitioner.

2. The petitioner is assailing the judgment and order dated

08.08.2023 passed by the respondent No. 2/Scrutiny Committee invalidating her tribe claim for being 'Mannervalu' (Scheduled Tribe).

3. The petitioner is relying upon the validity certificates of her father, uncle and cousins, etc. The orders passed by the High Court in the matters of her cousins Trupti and Manish are also placed on record.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the scrutiny committee is justified in rejecting the caste claim as the school record was incompatible with the claim. There was manipulation of school record in the case of Vitthal and Govind uncles of the petitioners. The committee has rightly rejected the validity certificates. He prays to dismiss the writ petition.

5. We have considered the rival submissions of the parties. The genealogy is placed on record by the petitioner. There are number of validity holders who are paternal side relatives. The respondents have not disputed the relationship. The petitioner's father and her real uncle are issued with the validity certificates. It is seen that there was vigilance enquiry in the matter of her father Balaji. By reasoned order validity certificate is issued to him which is reliable. We have noticed that the old school record is considered.

6. The petitioner has also placed on record orders of this

Court passed in the matter of Priti Nivrutti Mittewad and others Vs. The State of Maharashtra and others in Writ Petition No. 8815 of 2019. Priti is the paternal side relative figuring in the genealogy. This Court has issued caste validity certificate conditionally under similar set of circumstances. We also propose to follow the same course.

7. The submissions of the learned A. G. P. regarding contrary entries of Nagnath Mishnaji Mittewad and manipulation of school record cannot be dealt with in the writ jurisdiction. The reverification proceedings are underway. It is open for the scrutiny committee to take into account the objections raised by the learned A. G. P. Till the validity certificates are revoked, the petitioner is entitled to similar social status.

8. We find that the impugned judgment is arbitrary and perverse. The same is liable to be quashed and set aside.

9. For the reasons recorded above, we pass following order.

10. 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.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23