

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

WRIT PETITION NO. 10096 OF 2023

SAHIL SAMBHAJI BANEWAD MINOR THROUGH REPRESENTED
SAMBHAJI MAHAJAN BANEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Phatale Sagar S.
AGP for Respondents : Mr. A.A. Jagatkar
...

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

DATED : 30 AUGUST, 2023

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

1. The petitioner has taken exception to the judgment and order dated 09.08.2023, passed by the Scrutiny Committee invalidating his tribe claim for 'Mannervarlu' scheduled tribe. The petitioner is relying upon the validity certificates issued in favour of Laxman and Sambhaji father and real uncle, respectively.

2. Learned AGP opposes the claim of the petitioner. According to him, the Scrutiny Committee rightly rejected the caste claim considering tampering of the record in case of Banaras and Ram. The school record of the relatives of the petitioner was not inspiring. The validity certificates were procured in collusion with then Assistant

Commissioner Mr. V.S. Patil, and on the basis of suppression of material facts.

3. Learned AGP would submit that the Scrutiny Committee has proposed re-verification of the validity certificates. The original papers of validity holder Laxman is placed on record.

4. We have considered the submissions of the parties and gone through the original papers. It is not disputed that validity holders are father and uncle of the petitioner. Uncle Laxman is the first validity holder. In his case, there was verification of the record and vigilance report. It was followed by speaking order. The school record was considered by the Scrutiny Committee. The old school record of grandfather of the petitioner was also considered. The validity certificate of uncle was issued by following due procedure of law. It is reliable. Unless the same is revoked, the petitioner cannot be denied the tribe validity certificate.

5. Learned AGP would submit that old record of grandfather of the petitioner is not included in the list of the documents which were before the Scrutiny Committee and old record appears to be suspicious. We cannot embark an enquiry into that aspect of the matter. During the re-verification, it is open for the Scrutiny Committee

to consider the objections of learned AGP.

6. We find that impugned judgment and order is unsustainable. We, therefore, pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall issue tribe validity certificate to petitioner, on condition that the same shall be subject to the decision taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/