

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

WRIT PETITION NO. 9896 OF 2023

- | | |
|---------------------------|----------------|
| 1. Manisha Prabhu Kolhe | |
| 2. Pallavi Rajendra Kolhe | ...Petitioners |

Versus

- | | |
|--|----------------|
| 1. The State of Maharashtra
Through its Secretary,
Tribal Development Department, Mumbai. | |
| 2. The Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter, Aurangabad,
Through its Deputy Director (Research)
Dist. Aurangabad. | ...Respondents |

WITH

CIVIL APPLICATION NO.10053 OF 2023

IN

WRIT PETITION NO. 9896 OF 2023

Organization for the Rights of the Tribals Branch at Aurangabad.	... Applicant
---	---------------

Versus

- | | |
|---|-----------------|
| 1. Manisha Prabhu Kolhe | |
| 2. The State of Maharashtra,
Through its Secretary | ... Respondents |

...

Advocate for Petitioner : Mr. Sunil M. Vibhute

AGP for Respondents/State : Mr. S. K. Tambe

Advocate for the Intervenor in CA No.10053/2023 : Mr. S.T. Salunke h/f
S.N. Lale Yelwatkar

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 11 AUGUST 2023

ORDER (Shailesh P. Brahme, J.) :

- . Heard both the sides finally at the admission stage.
2. The petitioners are challenging the common judgment and order dated 10.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating their caste claim of Mannervarlu scheduled tribe. The petitioners are cousins.
3. The present petition was initially filed for direction to the Scrutiny Committee to decide the caste claim expeditiously. On 09.08.2023 the matter was listed and it was reported by the learned AGP that the Committee would decide the matter by tomorrow.
4. Today, the learned Counsel for the petitioners informed that the caste claim is invalidated on 10.08.2023. A leave is sought to amend the petition. Thus the common judgment and order dated 10.08.2023 is before us for consideration.
5. The petitioners are relying upon the genealogy to contend that the validity certificates were issued to Anil and Prabhu who are paternal side relatives. The real brother of petitioner no.1, Mangesh was also issued validity certificate vide order dated 19.06.2017 passed by the High Court in writ petition no.7932/2017.

6. The learned AGP supports the impugned judgment and order. He would submit that the real brother's matter of the petitioner no.1 was decided on a technical ground and the same cannot be fallowed in the present case. He would also point out the contrary entries. He has placed on record the original file of father of the petitioner no.1.

7. The order of High Court is at Exhibit-B. We have gone through the same. It reveals that after considering relevant record, the petition was allowed with a direction to issue validity certificate. We also propose to adopt the same course. When there are validity certificates in the family, the successive committee cannot deny caste benefit to the claimant. The same set of record cannot be reassessed.

8. We have noticed that the father of petitioner no.1 was issued with validity certificate by a reasoned order considering the same set of record. There was vigilance enquiry in his matter. We find that the validity certificate of the father is also reliable.

9. The learned AGP informs that the Scrutiny Committee is intending to reopen the matters of the validity holders. In that view of the matter, both the petitioners deserve conditional validity. The impugned judgment and order is unsustainable and the same is liable to be quashed. We, therefore, dispose of the writ petition by passing following order.

ORDER

- 1) The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent-committee shall immediately issue tribe validity certificates to the petitioners as belonging to '*Mannervarlu*' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matters which the committee has decided to re-open.
- 2) The petitioners shall not be entitled to claim equities.
- 3) Civil Application No.10053/2023 is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.