

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

WRIT PETITION NO. 6011 OF 2020

Prasad Shankarrao Kongalwar,
Age : 19 years, Occu. Student,
R/o. Natkar Galli, Degloor,
Tq. Degloor, Dist. Nanded.

....Petitioner

Versus

- 1] The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai.
- 2] The Scheduled Tribe Certificate Scrutiny Committee,
Aurangabad, Through its Deputy Director (R)
- 3] The Commissioner & Competent Authority
State CET Cell, Maharashtra State,
Mumbai.

....Respondent

.....
Mr. Pratap V. Jadhavar – Advocate for the petitioner
Mr. S. B. Yawalkar – AGP for respondent / State
.....

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.
DATED : 30TH OCTOBER 2023**

ORDER [PER : NEERAJ P. DHOTE, J.] :-

1. Heard learned advocate for the Petitioner and the learned AGP for Respondent/State for final disposal. Perused the papers.

2. The Petitioner, who claims to be belonging to 'Mannervarlu' Scheduled Tribe, has invoked the jurisdiction of this Court under Article 226 of the Constitution of India. Petitioner is the

student. The Competent Authority has issued the tribe certificate to the Petitioner as belonging to 'Mannervarlu' Scheduled Tribe. The Petitioner, desirous of pursuing the medical profession, appeared for the requisite entrance test under the reserved category and thus, his case came to be forwarded to the respondent no. 2 – Scrutiny Committee. The Respondent no. 2 – Scrutiny Committee directed the vigilance inquiry and after hearing the Petitioner and on scrutiny of the material placed before it, rejected the petitioner's claim to be belonging to 'Mannervarlu' Scheduled Tribe, by order dated 07.08.2019.

3. It is submitted by learned advocate for the Petitioner that though ample documentary evidence was available before the Respondent No. 2 – Committee supporting the tribe claim of the petitioner of 'Mannervarlu' Scheduled Tribe, the Committee invalidated the claim on the basis of the vigilance report. He submitted that the blood relatives are holding the validities but those have not been considered by the Scrutiny Committee. He submits that one of the close relative of the Petitioner is granted validity certificate pursuant to the directions of this Court in Writ Petition No. 3670 of 2022.

4. It is submitted by learned AGP that the Respondent no. 2 – Committee considered the material available on record and taking into consideration the entries as 'Munur', 'Munurwad', 'Munuru',

'Munurwar' and 'Munerwarlu' in the record pertaining to the relatives of the petitioner, the tribe claim of the petitioner has been rightly rejected.

5. Though there are several entries showing the tribe of the relatives of the petitioner as 'Munur', 'Munurwad', 'Munuru', 'Munurwar' and 'Munerwarlu', the admitted fact which remains is that the blood relatives and the close relatives of the petitioner are holding the validity certificates. There is no dispute about the genealogy. There is also no dispute that the cousin uncle and other close relatives of the petitioner have been issued with the validity of the said tribe claim by following the procedure. There can be no quarrel on the aspect that until the said validity certificates are revoked, they remain the important documents to rely upon. Secondly, as pointed out by the learned advocate for the petitioner, this Court has, vide order dated 27.07.2023 passed in Writ Petition No. 3670 of 2022, set aside the order of the Scrutiny Committee invalidating the tribe claim of the petitioner's near reative i.e. Eranna's daughter and directed the Scrutiny Committee to issue validity certificate, which would be subject to the final outcome of the reverification proposed to be undertaken by the Scrutiny Committee.

6. The other aspects on which the tribe claim has been invalidated are affinity test and area restrictions, which become

irrelevant in the light of the principles laid down in the case of **Palghat Jilla Thandan Samudhaya Vs. State of Kerala and Another** reported in (2012) 1 SCC 113, **Jaywant Dilip Pawar Vs. State of Maharashtra and Ors.** reported in 2018 (5) ALL MR 975 and **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.** reported in 2023 SCC Online SC 326. In view of the above factual and legal aspects of the matter, the petitioner cannot be deprived of the conditional validity certificate. Thus, we proceed to pass the following order :

ORDER

- [i] The Judgment and Order dated 07.08.2019 passed by the respondent no. 2 - Scrutiny Committee, is quashed and set aside.
- [ii] The Scrutiny Committee shall issue tribe validity certificate in favour of the Petitioner as 'Mannervarlu' within a period of two weeks from today, which shall be subject to the following conditions;
 - [a] the validity certificate shall be subject to the outcome of the re-verification proposed to be undertaken by the Scrutiny Committee.
 - [b] the petitioner shall not claim any equity.

7. Writ Petition is, accordingly, disposed of.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE