

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

WRIT PETITION NO. 6053 OF 2019

MANISH SANJAY THAKKURWAR
THROUGH FATHER NATURAL GUARDIAN
SANJAY BHUMANNA THAKKURWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. A.S. Golegaonkar
AGP for Respondent Nos. 1 & 2 : Mr. S.G. Sangale

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

DATE : 12 SEPTEMBER 2023

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

1. Heard both the sides finally.
2. The petitioner is assailing judgment and order dated 31.08.2018, passed by the Scrutiny Committee, invalidating his tribe certificate of 'Mannervarlu' scheduled tribe and confiscating it. The fulcrum of the challenge is seven validity certificates issued in family and consistent record indicating caste as 'Mannervarlu'.
3. Learned AGP has opposed the claim of the petitioner. According to him, there was no convincing evidence on record and Scrutiny Committee is justified in holding that there was interpolation in the school record of Bhumanna, Gangadhar and Sanjay. He would submit that validity certificates have been procured by suppression of material facts. A show cause notice is issued to Sainath Hanmallu

Thakkurwar for re-verification of his validity certificate. He would submit that this is not a fit case to grant any relief to the petitioner.

4. We are shown genealogy of page no. 52. We find that paternal side close relatives have been issued with validity certificates namely Vijaykumar, Gangadhar, Smita, Lata, Nita, Sainath and Sarika. The petitioner has denied the relationship with the persons whose school record is found to be interpolated or incompatible with the caste claim. The list of the person can be seen from page no. 65. We find that there is consistent record of father, cousin uncle and grandfather to show caste as 'Mannervarlu'. The self same record was considered by the previous committees to issue validity certificates. The successive Committee has no jurisdiction to arrive at a contrary finding on the basis of the record which is already scrutinized. We held that the Scrutiny Committee has committed error of jurisdiction.

5. Learned AGP has informed that a show cause notice is issued to Sainath Hanmallu Thakurwar. It is incomprehensible when there are various validity certificates issued in the family on self same record, the re-verification is proposed in case of Sainath only. We find that the learned AGP is unable to point out any situation to deviate us from relying upon the validity certificates.

6. For the reasons stated above, the impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 31.08.2018, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be 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.]**