

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

WRIT PETITION NO. 10166 OF 2023

1. Atharvarudra S/o Shrinivas Chatlawar,
Age : 18 Years, Occu. : Education,
R/o Palaj, Tq. Bhokar,
Dist. Nanded.
2. Akshaykumar S/o Ravikumar Chatlawar,
Age : 23 years, Occu. : Education,
R/o Palaj, Tq. Bhokar,
Dist. Nanded. .. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
2. The Scheduled Tribe Caste Certificate
Verification Committee, Kinwat
Head Quarter at Aurangabad,
through its Deputy Director (R)
Dist. Aurangabad. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioners.
Shri S. K. Tambe, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 17 AUGUST 2023.

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

. Heard both sides finally at the admission stage.

2. The petitioners are challenging common judgment and order dated 11.08.2023 passed by the respondent No. 2/Scrutiny Committee thereby invalidating the tribe claims of the petitioners for 'Mannervarlu' (Scheduled Tribe).

3. The petitioners are cousins. They are banking upon the validity certificates of Shrinivas and Ravikumar, father and uncle respectively.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claims because validity certificates were procured by suppressing material facts and order of invalidity rendered in the matter of Renuka Jagdish Chatlawar. The Scrutiny Committee has rightly rejected the caste claims because the school record is incompatible with the claims of the petitioners. As the Committee has taken a possible and reasonable view, it is not a fit case to interfere with the impugned judgment and order.

5. We have considered the rival submissions of the parties. The learned A. G. P. has produced on record original file of validity holder Shrinivas Gopalrao Chatlawar. Perusal of file reveals that there was vigilance enquiry conducted by the competent authority. By reasoned order validity certificate was issued to Shrinivas. The relevant documentary evidence was taken into account before issuing validity certificate. By following due procedure of law validity certificate was issued.

We are bound to follow the same.

6. The petitioners have also placed on record order passed in the case of Ravikumar by the Appellate Authority for validating his tribe claim. We find that his validity certificate is also reliable one. We are of the considered view that the petitioners are entitled to receive validity certificates on certain conditions.

7. It is informed by the learned A. G. P. that the Committee has issued show cause notices for reverification to the validity holders. The objection of the learned A. G. P. can be considered during the course of reverification. An order of invalidation in the case of Renuka cannot operate as res-judicata. The evidence on record was sufficient to validate the caste claims of the petitioners.

8. We hold that the impugned judgment and order is discriminatory and arbitrary. Hence we pass following order.

O R D E R

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 11.08.2023 passed by the respondent no. 2 – Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity

certificates to the petitioners 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 strictly in the prescribed format without incorporating other conditions/additions.

v. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23