

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

8 WRIT PETITION NO. 10170 OF 2023

PRATHAMESH JAGDISH AMBULGEKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioner : Mr. S.M. Vibhute
AGP for Respondents : Mr. S.K. Tambe

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

DATE : 17 AUGUST 2023

OPERATIVE ORDER :

Heard finally in view of the exigency.

2. The petitioner's tribe claim is invalidated by the Scrutiny Committee as belonging to 'Mannervarlu' scheduled tribe.

3. We have heard both the sides.

4. Admittedly, the petitioner's father Jagdish is real uncle of Nitin and real brother of Ramesh and Suresh. They have all been granted validities. The real sister of the petitioner by name Shruti and cousin Vinayak Ramesh were also aggrieved by the similar order passed by the Scrutiny Committee invalidating their claims. In Writ Petition No. 1276/2021 by order dated 27 January 2021, for the reasons mentioned therein, this Court directed certificates of validity to be issued to both of them, however, subject to the final outcome of the matters which the Committee had decided to reopen.

5. Learned AGP, on instructions, submits that the date in the reopened matters is fixed on 21 August 2023.

6. Be that as it may, when the petitioner's several blood relations from the paternal side are holders of certificates of validity that fact itself would be sufficient to discharge the burden under Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000.

7. Irrespective of the fact whether and in what circumstance the Committee is entitled to undertake Scrutiny of the certificates of validity which have already been issued, the fact remains that so long as those certificates of validity are not confiscated and cancelled by resorting to the provisions of the Act and the Rules framed, thereunder, which process is already underway, the petitioner cannot be deprived of having a certificate of validity, obviously subject to the condition regarding the final outcome of the matters being reopened.

8. If the petitioner, as submitted by his learned Advocate, he is ready to suffer the consequences as contemplated in Shweta Balaji Isankar V/s. State of Maharashtra and others (Writ Petition No. 6320 of 2017), the request certainly needs to be accepted. Hence, we pass following order :

ORDER

- 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 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 strictly 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.]**