

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

WRIT PETITION NO. 10189 OF 2023

1. RUTUJA D/O. VINAYAK SURYAWANSHI
2. SHREENIWAS S/O. VINAYAK SURYAWANSHI
3. SHRIKANT S/O. GANESH SURYAWANSHI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioners : Mr. S.C. Yeramwar
Addl. GP for Respondents : Mr. P.S. Patil
....

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

DATED : 18 AUGUST, 2023

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

1. Heard the litigating sides finally at the admission stage.
2. The common judgment and order dated 10.08.2023, passed by the Scrutiny Committee, invalidating the claims of the petitioners is under challenge in the petition. Petitioner nos. 1 and 2 are the siblings of Vinayak Harihar Suryawanshi. The petitioner no. 3 is their cousin. They claim to be member of 'Thakur' scheduled tribe. They are relying upon validity certificate issued to Vinayak Harihar Suryawanshi.

3. Per contra, learned AGP would oppose the claim of the petitioner. According to him, the validity certificate of Vinayak is obtained by fraud. The school record of grandfather of the petitioners Harihar is incompatible with the claim of the petitioners. He would submit that the Scrutiny Committee has rightly rejected the claims considering the school record and the manipulations. It is informed by him that the Scrutiny Committee has proposed a re-verification of the validity holder.

4. Having considered rival submissions, we notice that there was vigilance enquiry in case of father of petitioner nos. 1 and 2 – Vinayak. A reasoned order was passed by the Scrutiny Committee for issuing validity certificate to father. It reveals that the validity certificate of the father is founded on cogent documentary evidence. We disapprove the finding recorded by the Scrutiny Committee that father was issued validity certificate merely on the basis of validity certificates of maternal side relative.

5. The Scrutiny Committee should have relied upon validity certificate of the father of the petitioner nos. 1 and 2. We are guided by the principles laid down by the Supreme Court in the matter of

Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others, **2023 SCC Online SC 326**. The petitioners are entitled to validity certificates on the ground of parity.

6. The Scrutiny Committee has decided to reopen the case of the validity holder. We refrain ourselves from offering any comments over the submissions of learned AGP regarding contrary record, manipulation and alleged dishonest conduct of the father of petitioner nos. 1 and 2. This aspect of the matter can be gone into during re-verification.

7. We hold that impugned judgment and order is unsustainable. For the reasons stated above, we pass following order :

ORDER

i. 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 ‘Thakur’ scheduled tribe, in the prescribed format without adding anything. The validity shall be subject to the final

outcome of the matters which the committee has decided to re-open.

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

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/