

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

WRIT PETITION NO. 10364 OF 2023

1. Snehal d/o Rajendra Kondawar
Through father/power of Attorney
Rajendra s/o Shivaji Kondawar
 2. Shravani d/o Sayalu Kondawar
Through father and natural guardian
Sayalu s/o Bhumanna Kondawar
- ...Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department, Mumbai.
 2. The Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter, Aurangabad,
Dist. Aurangabad.
Through its Deputy Director (R).
- ...Respondents

...

Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents/State : Mr. S. G. Sangale

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 29 AUGUST 2023

FINAL ORDER (SHAILESH P. BRAHME, J.) :

1. Heard both the sides finally at the admission stage.
2. The petitioners are paternal side relatives whose tribe certificates

of Mannervarlu scheduled tribe, were invalidated by common judgment and order dated 08.08.2023 passed by the respondent no.2/Scrutiny Committee. Being aggrieved, they have preferred present petition. They are relying upon the validity certificates issued to Ashok, Suresh and Dinesh.

3. The learned AGP would oppose the caste claim of the petitioners. He would submit that the Scrutiny Committee found the manipulation in the school record of Suresh. The Committee found the school record of the blood relatives incompatible with the caste claim. The validity certificates are stated to have been obtained by suppression of material facts. Therefore, the Committee has undertaken re-verification of validity certificates.

4. We have considered the submission of the parties. The caste claim of Ashok Shivanna Kondawar, relative of the petitioner was rejected on 16.09.2004. Against that Writ Petition No.451/2005 was filed which was culminated into an order of remand. Thereafter the Scrutiny Committee issued him validity certificate. The same is still intact.

5. Another blood relative of the petitioners, Suresh Shivaji Kondawar was issued with validity certificate by a reasoned order. The petitioners have also placed on record the order dated 04.10.2017 passed by the High Court in Writ Petition No.10532/2017 in the matter of Dinesh Shivaji Kondawar, directing to grant conditional validity. It reveals that

the High Court already considered the relevant record. The selfsame record was under construction before the Scrutiny Committee in the present matter.

6. We find that the validity certificates issued to Ashok, Suresh and Dinesh are reliable and should enure to the benefit to the petitioners. Unless they are revoked, the petitioners cannot be denied the validity certificates. In that view of the matter, the Scrutiny Committee committed illegality in rejecting the caste claim.

7. We are of the considered view that the petitioners are entitled to conditional validity. The impugned judgment and order is unsustainable. Hence the following order is passed.

ORDER

- 1) 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 '*Mannervarlu*' scheduled tribe in the prescribed format without incorporating other conditions/additions.
- 2) The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
- 3) The petitioners shall not be entitled to claim equities.

4) The learned AGP to immediately communicate the committee above passing of this order and issue validity certificates immediately.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeab.