

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

WRIT PETITION NO. 10390 OF 2023

PARTH DATTAHARI KAWADEWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondents : Mr. S.G. Sangale
....

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

DATED : 22 AUGUST, 2023

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

1. Heard both the sides finally at the admission stage.
2. The petitioner is challenging the judgment and order dated 17.08.2023, passed by the Scrutiny Committee invalidating her tribe claim for 'Mannervarlu' scheduled tribe. The petitioner is relying upon the validity certificate of his brother, father and cousin sister. The petitioner's cousin Snehal was issued with validity certificate by orders of the High court.
3. Learned AGP vehemently opposes the caste claim. According to him, the Scrutiny Committee is justified in rejecting the caste claim of the petitioner considering the school record of the close relatives. The validity certificates were procured by suppressing

material facts. The scrutiny Committee has rightly exercised the jurisdiction. According to him, there is inconsistency in the genealogy placed before the Scrutiny Committee. He would urge to dismiss the Writ Petition.

4. Learned counsel for the petitioner has invited our attention to the genealogy which is at page no. 69. Brother and father of the petitioner was issued with validity certificate. The vigilance report of the father is placed on record. By reasoned order, he was issued with validity certificate considering relevant record. We hold that the validity certificate is issued after following due procedure of law.

5. Our attention is also invited to the case of the validity holder Snehal. Snehal was denied the validity certificate by the Scrutiny Committee. It was challenged in Writ Petition No. 9059 of 2019. By order dated 20.08.2019, validity certificate was directed to be issued. The said validity certificate has not been quashed and set aside. We also propose to follow the same view. We hold that the validity certificates produced by the petitioner in his support are reliable and should enure to his benefit.

6. The Scrutiny Committee committed material irregularity

and perversity in discarding the validity certificates. It is an error of jurisdiction to deny the same social status to the petitioner by the impugned judgment and order.

7. The Scrutiny Committee has decided to undertake the re-verification. The petitioner is entitled to validity certificate on certain terms.

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

ORDER

- i. The Writ Petition is allowed.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall forthwith issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, on a condition that the validity certificates shall be subject to final outcome of the re-verification undertaken by the Scrutiny Committee.

- 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.)

SPC/