

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

WRIT PETITION NO. 13394 OF 2021

RAMESH HANMANTRAO KONDALWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioner : Mr. M.A. Golegaonkar
AGP for Respondent Nos. 1 to 4 : Mr. S.G. Sangle
Advocate for Respondent No. 5 : Mr. A.R. Kale
....

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

DATED : 04 AUGUST, 2023

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

1. Heard both sides. Taken up for final adjudication at the admission stage.

2. The petitioner is assailing the order dated 22.09.2021, passed by the Scrutiny Committee, invalidating claim of the petitioner for 'Mannervarlu' scheduled tribe. The petitioner relies upon the validity certificate issued to his cousin Jayshree D/o. Nabaji Kondalwade.

3. Learned AGP would oppose the petitioner's claim on the basis of the contrary record, manipulations in case of Nabaji and

Maruti. According to him, the Scrutiny Committee is justified in discarding the validity certificate.

4. The genealogy is placed on record at page no. 54. Jayshree is the cousin of the petitioner from the paternal side. There was vigilance report which is on page no. 100. In the matter of Jayshree, it reveals that the school record of various relatives were considered by the Scrutiny Committee. By reasoned order Jayshree was issued validity certificate which is undisputed fact. We find that there is old record of Gangadhar showing 'Mannervarlu' as a scheduled tribe. We do not find any reason for the Committee to withhold validity certificate of the petitioner.

5. We are of the considered view that the petitioner is bound to succeed in view of law laid down by Supreme Court in the matter of [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others](#), 2023 SCC Online SC 326.

6. Learned AGP has informed that the Scrutiny Committee has decided to undertake re-verification of the validity certificate of Jayshree. In that cases, the objections regarding validity certificate of

Jayshree can be gone into by the Scrutiny Committee. Till the validity certificate is revoked, the petitioner cannot be denied the equal social status. Consequently, the petitioner shall be issued the degree certificate and internship completion certificate by the respondent nos. 5 and 6.

7. Hence, we pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificate to the petitioner of 'Mannervarlu' (Scheduled Tribe).
- iii. This validity shall be subject to the decision to be taken by the Scrutiny Committee in the matter of Jayshree.
- iv. The petitioner shall not be entitled to claim equities.
- v. The learned A. G. P. is requested to communicate this order immediately to the Scrutiny Committee, since

tomorrow is the last date for uploading the documents in the NEET-PG-23 admission process.

vi. Parties to act on authenticated copy of this order.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/