

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

WRIT PETITION NO. 6587 OF 2022

Shubham s/o Prakash Alladwad,
Age 26 years, Occu. : Service,
R/o Bapshetwadi, Post Barhali,
Taluka Mukhed, District Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabd
Division, Aurangabad, through
its Member Secretary.
3. The Deputy Collector/Special
Land Acquisition Officer,
Nanded, District Nanded. .. Respondents

AND

WRIT PETITION NO. 1894 OF 2022

Vyankat s/o Govindrao Alladwad,
Age 65 years, Occu. : Retired from Service,
r/o Bapshetwadi, Post Barhali,
Taluka Mukhed, District Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabd
Division, Aurangabad, through

its Member Secretary.

3. The Tahsildar,
Mukhed District Nanded. .. Respondents

AND
WRIT PETITION NO. 3125 OF 2022

Suyakant s/o Ishwarrao Alladwad,
Age 61 years, Occu. : Retired from Service,
r/o Bapshetwadi, Post Barhali,
Taluka Mukhed, District Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabd
Division, Aurangabad, through
its Member Secretary.
3. The Taluka Executive Magistrate
Mukhed, District Nanded. .. Respondents

AND
WRIT PETITION NO. 3169 OF 2022

Sumit s/o Suryakant Alladwad,
Age 28 years, Occu. : Student,
R/o Bapshetwadi, Post Barhali,
Taluka Mukhed, District Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2. The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Division, Aurangabad, through its Member Secretary.
3. The Sub Divisional Officer, Degloor, District Nanded.
4. The Savitribai Phule University, Pune, through its Dean.
5. The Vishwakarma Institute of Information and Technology, S. No. 2/3/4, Kondhawa Bk, Pune through its Principal. .. Respondents

**AND
WRIT PETITION NO. 3406 OF 2022**

Balaji s/o Ganpatrao Alladwad,
Age 32 years, Occu. : Service,
R/o Bapshetwadi, Post Barhali,
Taluka Mukhed, District Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Division, Aurangabad, through its Member Secretary.
3. The Sub Divisional Officer, Degloor, District Nanded. .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner in all matters.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 3 in all matters.

CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 AUGUST 2023.

FINAL ORDER (*Per Shailesh P. Brahme, J.*) :-

. Heard both sides finally at the admission stage with the consent of parties.

2. All these petitions are arising out of common judgment and order dated 07.07.2021 passed by the respondent No. 2/Scrutiny Committee invalidating their caste claims for 'Mannervarlu' (Scheduled Tribe). The petitioners are related *inter-se*. There is common record, hence the petitions are decided by this common order.

3. The petitioners rely upon the validity certificates issued to the paternal side close relatives appearing in the genealogy on record. They further rely upon order dated July 24, 2018 passed by this Court at Principal seat at Bombay in Writ Petition No. 7592 of 2018 in the matter of Saurabh Prakash Alladwad Vs. The State of Maharashtra and others. Besides that the school record, affidavits and validity certificates are also produced on record to substantiate their claims.

4. The learned Assistant Government Pleader submits that the Scrutiny Committee has properly exercised the jurisdiction. There is no reason to interfere with the impugned judgment and order. After considering entire material on record the Committee

has arrived at plausible and reasonable conclusion. The petitioners claim is based upon misleading and suspicious information.

5. The genealogy of the petitioners' family is on record. The validity certificates were issued to Premala Narsingrao Alladwad, Shriram Narsingrao Alladwad, Manisha Narsingrao Alladwad, Prakash Iswarrao Alladwad, Suryakant Ishwarrao Alladwad, Snehlata Venkatrao Alladwad, Asmita Venkatrao Alladwad, Ashok Venkatrao Alladwad, Ashok Venkatrao Alladwad and Sharadchandra Venkatrao Alladwad. There is no dispute about the relationship. An order dated 24 July 2018 passed by this Court in Writ Petition No. 7592 of 2018 in the matter of Saurabh Prakash Alladwad Vs. The State of Maharashtra is placed on record. Saurabh is son of Prakash Ishwarrao Alladwad, who is figuring in the genealogy. The petition was allowed by this Court and Scrutiny Committee was directed to issue validity certificate to Saurabh conditionally. The text of the order also refers to various validity certificates.

6. In the wake of the order passed by the this Court, we do not find any reason to deprive the petitioners from the validity certificates. The scrutiny committee should have allowed the caste claims of the petitioners. It is not permissible to examine same record and to arrive at contrary conclusion when validity certificates issued after due procedure of law are governing the field.

7. The learned A. G. P. has informed that the Scrutiny

Committee has proposed to take reverification of the validity holders. It is open for the Scrutiny Committee to take into account the objections regarding the validity holders. We do not find it necessary to consider the objections in the present petitions.

8. We hold that common judgment and order passed by the Scrutiny Committee is unsustainable and perverse. For the reasons recorded above, we dispose of the writ petitions by passing following order.

ORDER

- A. The writ petitions are partly allowed.
- B. The impugned orders are quashed and set aside. The Scrutiny Committee shall issue tribe validity certificates to the petitioners of 'Mannervarlu' (Scheduled Tribe).
- C. These validities shall be subject to the decision to be taken by the Scrutiny Committee in the reopened matters.
- D. The petitioners shall not be entitled to claim equities.
- E. Parties to act on authenticated copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]