

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

WRIT PETITION NO. 10433 OF 2023

1. Anand Hari Pakalwad,
Age :- 25 years, Occ :- Student,
R/o Pimpalkotha (Magre),
Tq. Mudkhed, Dist. Nanded.
2. Narsing Hari Pakalwad,
Age :- 27 years, Occ :- Student,
R/o Pimpalkotha (Magre),
Tq. Mudkhed, Dist. Nanded. .. Petitioners

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Head Quater at Aurangabad,
through its Deputy Director (R).
3. The Principle
Udyan Vidya College, Shivaji Nagar,
Pune, Tq. & Dist. Pune.
4. The Principle
Sinhgad College of Engineering,
S. No. 44/1, Wadgaon (Bk),
Sinhgad road, Pune,
Tq. & Dist. Pune. .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioners.
Shri A. A. Jagatkar, A.G.P. for the Respondent Nos. 1 and 2.

CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 23 AUGUST 2023.

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

. Heard both sides for final disposal at admission stage considering the urgency expressed by the petitioners.

2. Being aggrieved by the judgment and order dated 11.08.2023 passed by the respondent No. 2/Scrutiny Committee invalidating the caste claims of the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe), they are before us.

3. The petitioners are siblings of Hari Maroti Pakalwad and banking upon his validity certificate.

4. The learned Assistant Government Pleader supports the impugned judgment and order. He would submit that the Scrutiny Committee is justified in rejecting the caste claim because the school record of the relatives of the petitioner is not compatible with the caste claim. The vigilance enquiry reflects manipulation of record of Gangadhar Shriram Dasare, Purab Satwaji Kumbharwad, Shobha Maroti Pakalwad and Hari Maroti Pakalwad. The validity certificate of the father is tainted.

5. The learned A. G. P. has informed us that the Scrutiny Committee has proposed reverification of the validity holders.

He has produced original papers of the petitioners to demonstrate that there is inconsistency in the genealogy.

6. It reflects from the papers that there was vigilance enquiry conducted in the case of the father of the petitioners. The documentary evidence of Hari, Sunanda, Balaji and Sangita was already considered by the Scrutiny Committee. By reasoned order father was issued with the validity certificate. It is not open for the Scrutiny committee to doubt the self same record or the validity certificate. The validity certificate is reliable one and needs to be followed.

7. The learned A. G. P. would submit that the genealogy which is pointed out from the original papers does not tally with the genealogy at page No. 33. The inconsistency in the genealogy would be subject matter of reverification. The petitioners are entitled to validity certificates on certain conditions.

8. The impugned judgment and order is arbitrary and perverse. For the reasons recorded above, we pass following order.

O R D E R

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 adding anything. The validity shall be subject to

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

2) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 23