

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

WRIT PETITION NO. 473 OF 2021

**KUM. PRATIKSHA NAGORAO TIPPALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. A.S. Golegaonkar
h/f. Mr. S.R. Palnitkar
AGP for Respondent Nos. 1 to 3 & 5 : Mr. S.G. Sangale
Advocate for Respondent No. 4 : Mr. Amol Patale
Advocate for Respondent No. 6 : Mr. M.D. Narwadkar
....

**AND
WRIT PETITION NO. 10249 OF 2023**

**PAVAN NAGORAO TIPPALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. A.S. Golegaonkar
h/f. Mr. M.A. Golegaonkar
AGP for Respondent/s – State : Mr. S.G. Sangale
....

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

DATED : 18 AUGUST, 2023

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

1. Heard the litigating sides finally at the admission stage
with their consent.

2. Petitioners are the siblings and are aggrieved by judgment

and order dated 26.11.2020, invalidating their caste claim and confiscating tribe certificates of 'Mannervarlu' scheduled tribe. As the record is common, we proposed to decide both the petitions together.

3. The petitioners rely upon the genealogy, disclosing paternal side close relatives holding validity certificates. Out of them Hanumant is the first validity holder. They are also relying upon old school record of Gangadhar Maruti Tippalwad and Nagorao Maruti Tippalwad. Learned counsel for the petitioner would submit that impugned judgment and order is discriminatory and perverse.

4. Learned AGP has produced on record original papers of first validity holder Hanmat. According to him, the validity certificate of Hanmant is not reliable being founded on the validity certificate of maternal side relative. He would submit that illegality is perpetuated by placing reliance upon the defective validity certificates. He would also urge that the school record of Shankar Mallu and Kishan Mallu is incompatible. The Scrutiny Committee is justified in discarding the validity certificates.

5. Our attention is invited to the vigilance enquiry report which is at exhibit 'L', in the matter of Hanmant. After considering the report and the relevant record, Hanmant was issued with validity

certificate by the Scrutiny Committee by a reasoned order. His validity certificate is reliable and should have been followed by the Scrutiny Committee.

6. We find that there is a consistent school record indicating caste as 'Mannervarlu'. The validity holders besides Hanmant are paternal side relatives. Learned AGP is unable to point out any substantial circumstance for discarding the validity certificates. We are of the considered view that the validity certificates would enure to the benefits of the petitioner. The Scrutiny Committee has on number of occasion considered self same record including old school entries. The successive Committee has no jurisdiction to arrive at contrary finding. We hold that the Scrutiny committee has committed serious error of jurisdiction in rejecting the tribe claim of the petitioners.

7. The petitioners cannot be deprived of the validity certificates, unless and until the earlier validity certificates are revoked. We propose to interfere with impugned judgment and order. Hence, we pass following order :

ORDER

- i. 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.

ii. The petitioners shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)