

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

WRIT PETITION NO. 11623 OF 2021

RUTUJA RAJARAM PARODWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. A.S. Bayas
AGP for Respondents : Mr. A.S. Shinde
...

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

DATE : 29 SEPTEMBER 2023

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

1. Heard both the sides finally.
2. The petitioner is challenging the judgment and order dated 04.09.2021 passed by the Scrutiny Committee, invalidating her tribe claim of 'Mannervarlu' scheduled tribe. Learned counsel for the petitioner would rely upon validity certificates issued in favour of 14 blood relatives of the petitioner including father. Few of them are issued validity certificates in pursuance of orders of High Court. According to learned counsel, the Committee has committed perversity in rejecting the caste claim when self same record was already scrutinized on number of occasions.
3. Learned counsel for the petitioner has placed on record a compilation of orders passed by High Court, validating the tribe certificates of the petitioner who are paternal side relatives of the

petitioner. Already an order dated 29.01.2021 passed in the matter of Sumit and another is placed on record.

4. Learned AGP has opposed the caste claim of the petitioner. According to him, the Scrutiny Committee has rightly considered material on record establishing manipulation in the school record of Bhanudas, Balaji, Raosabheb. He would submit that the Committee has rightly discarded the validity certificates being procured by suppression of material facts. He would urge to dismiss the petition.

5. The petitioner has invited our attention to page no. 16 to show genealogy. We find that the validity holders shown in the genealogy are closely related to the petitioner. The order passed in case of Sumeet Bhanudas Parodwad and another Versus The State of Maharashtra and others, in Writ Petition No. 1758 of 2021, is placed on record. During the course of hearing number of orders passed by High Court have been shown to us. Those petitioners are related to the present petitioner. We do not deem it appropriate to embark an independent enquiry into record. We propose to follow the same course as done in those matters.

6. We find that the Scrutiny Committee has committed perversity. The petitioner is entitled to validity certificate conditionally. We, therefore, passed following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 04.09.2021 is quashed and set aside.
- iii. The respondent no. 2 – Scrutiny Committee, shall issue tribe certificate to the petitioner of ‘Mannervarlu’ scheduled tribe, forthwith.
- iv. The validity certificate shall be subject to outcome of the re-verification of the validity certificates of the relatives of the petitioner.
- v. The certificate of validity shall be issued in prescribed format without incorporating any conditions/additions.
- vi. The petitioner shall not be entitled to claim any equities.

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