

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

WRIT PETITION NO. 10709 OF 2023

PAVAN VYANKATI PUPULWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. C.R. Thorat
AGP for Respondent/s : Mr. S.G. Sangale
...

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

DATED : 01 SEPTEMBER, 2023

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

1. Heard both sides finally at the admission stage.
2. The petitioner is assailing the judgment and order dated 18.08.2023, passed by the Scrutiny Committee, invalidating his tribe certificate of 'Mannervarlu' scheduled tribe. The petitioner seeks to rely upon the validity certificate of Gangadhar Nagorao Pupulwad. Besides that the reliance is also placed on the old entries of 1955 of Nagorao.
3. Learned AGP would support impugned judgment and order. According to him, the Scrutiny Committee is justified in

rejecting the caste claim considering contrary school record of Irvanta, Madhav, Vithabai and Ramesh. The interpolation was found in the school record of Irvanta and Vyankati. The validity certificates are rightly discarded by the Scrutiny Committee.

4. Learned AGP has placed on record the original file of validity holder Gangadhar. It is further informed that the Scrutiny Committee has proposed re-verification of the validity certificate of Gangadhar.

5. Learned AGP has raised objection for the relationship of petitioner with Gangadhar, relying upon statement of Nagorao dated 18.06.2010. To repel the submission, learned counsel for the petitioner has placed on record the 7/12 extract of land Gat No. 77 situated at Lalwandi, Taluka Biloli, District Nanded, to demonstrate that the petitioner is related to the validity holder Gangadhar. The land Gat number is also referred in the vigilance enquiry as it was belonging to great grandfather of the petitioner. We can safely refer to the revenue record.

6. The petitioner has placed on record vigilance enquiry

report conducted in the matter of validity holder Gangadhar. The documentary evidence is also taken into account in his case. By reasoned order, Gangadhar was issued with validity certificate. We find that it is issued by following due procedure of law. It should enure to the benefit of the petitioner.

7. The Scrutiny Committee should not have discarded the validity certificate of Gangadhar. The Committee has committed perversity in discarding the clinching evidence on record. We also find an old entry in the school record of Irvanta Tukaram Pupulwad which is of 1962. It corroborates the claim of the petitioner. When self same record including the present school entry was already considered by the scrutiny committee, it is not permissible to reject the caste claim.

8. Learned AGP has referred to the statement of Nagorao disclosing that his father Poshetti had no real brother and sister. According to him, the statement is inconsistent with the genealogy relying upon by the petitioner. According to him, the petitioner is not in blood line of validity holder. The revenue record of 7/12 extract of Gat No. 77 belies the theory of learned AGP. The land appears to have been devolved upon Sambhaji and Nagorao. It was bifurcated into Gat

No. 77/2 and 77/3. This shows relationship of the petitioner with Gangadhar.

10. We are of the considered view that petitioner is entitled to validity certificate conditionally. The impugned judgment and order is arbitrary and perverse.

11. We, therefore, dispose of this Writ Petition by following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order passed by the Scrutiny Committee is quashed and set aside.
- iii. The Scrutiny Committee shall issue tribe validity certificate to the petitioner for 'Mannervarlu' scheduled tribe, forthwith.
- iv. The validity certificate shall be subject to outcome of re-verification.

- v. The certificate of validity shall be issued in the prescribed format without incorporating any conditions/additions.
- vi. The petitioner shall not claim any equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/