

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

959 WRIT PETITION NO. 10755 OF 2023

SNEHA SANJAY DASARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 10845 OF 2023

CHANDRADEEP SURYAKANT DASARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 10846 OF 2023

SHREEPAD GULCHAND DASARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 10848 OF 2023

SUPRIYA SURYAKANT DASARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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

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

DATED : 30 AUGUST, 2023

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

1. Heard both the sides finally at the admission stage.
2. At the request of learned counsel for the petitioners the papers of Writ Petition Nos. 10845 of 2023, 10846 of 2023 and 10848 of 2023, are called for consideration. The petitioners are relatives inter se and there is a common record. All the petitions can be decided by this common judgment and order. For the sake of convenience, we are referring the papers of Sneha Sanjay Dasare.
3. The petitioners Sneha, Supriya and Chandradeep are challenging common judgment and order dated 11.02.2022, passed by the Scrutiny Committee, invalidating their tribe claim for 'Mannervarlu' scheduled tribe. Whereas, petitioner Shreepad is challenging judgment and order dated 03.02.2022, passed by Scrutiny Committee invalidating his tribe claim for 'Mannervarlu'.
4. They are relying upon validity certificates issued to Pratibha, Prajwal, Sanjay, Baliram, Hanmant, Subhash, Suryakant, Ashok, Sunil, Pravin. According to learned counsel for the petitioners, in view of validity certificate issued to Pratibha Baliram Dasare in pursuance of the decision of the High Court in Writ Petition No. 10363

of 2017, the Scrutiny Committee should not have rejected the caste claims.

5. Per contra, learned AGP supports impugned judgment and orders. According to him, the validity certificates were issued during the tenure of Mr. V.S. Patil, Assistant Commissioner, which are outcome of grave illegality. By suppressing material facts the validity certificates were procured. They are not reliable and rightly discarded by Scrutiny Committee. The Scrutiny Committee has decided to reopen the matters of the validity holders.

6. Learned AGP would submit that the school record of the relatives is incompatible with the tribe claim. There is manipulation of record of Vinayak Maruti Dasare. There were orders of invalidation in case of Satish, Anjali and Santosh which were suppressed. It is submitted that the Scrutiny Committee has rightly exercised the jurisdiction.

7. We have considered rival submissions of the parties. We have also gone through the original papers of one of the validity holders Sunil Uttamrao Dasare. The genealogy is produced at page no.

148. It is seen that there are number of validity holders in the family. Out of them, Sanjay and Suryakant are fathers of respective petitioners. However, Shripad's father is not a validity holder. His matter is not under consideration presently.

8. Learned counsel for the petitioners has drawn our attention to the orders passed by the High Court at Principal Seat in Writ Petition No. 10363 of 2017, in the matter of Pratibha Baliram Dasare Versus State of Maharashtra. We have ascertain from the genealogy that Pratibha is paternal side relative of all the petitioners. Her relationship with the petitioner is undisputed. Her caste claim was invalidated by the Scrutiny Committee. It was challenged by her in Writ Petition No. 10363 of 2017, which was allowed by judgment dated 28.09.2017. The said judgment is placed on record at page no. 78 which reveals that the identical school record was considered in para nos. 4 to 6 of the judgment. On the self same record the Scrutiny Committee has negatived the claims of the petitioners which we find is grossly illegal.

9. Pratibha was issued with validity certificate unconditionally. The other paternal side relatives were also issued with

validity certificates. We also proposed to adopt same course. The petitioners are entitled to validity certificates without any conditions.

10. The successive Committee has no jurisdiction to examine the self same record which was scrutinized on number of occasions earlier and to arrive at a contrary finding. We are of the considered view that Scrutiny Committee has committed grave error of jurisdiction in rejecting caste claims of the petitioners.

11. Learned AGP has invited our attention to the original file of Sunil to point out the infirmity in the validity certificate issued to Sunil which is relied upon. We restrain ourselves from commenting upon the objections of the learned AGP. Our comments are likely to prejudice the enquiry of re-verification. The Scrutiny Committee can look into the objections, if so permissible in law.

12. We hold that the impugned judgment and order is unsustainable. We pass the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 11.02.2022, passed by the Scrutiny Committee is quashed and set aside.

iii. The judgment and order dated 03.02.2022, passed by the Scrutiny Committee in the matter of Shreepad in Writ Petition No. 10846 of 2023, is quashed and set aside.

iv. The Scrutiny Committee shall issued validity certificates to all the petitioners for 'Mannervarlu' scheduled tribe, forthwith.

v. The Writ Petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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