

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

958 WRIT PETITION NO. 10652 OF 2023

TANISHQ CHETANAND DARUPALLI THROUGH FATHER AND NATURAL
GUARDIAN CHETANAND GOPALSWAMI DARUPALLI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents : Mr. S.G. Sangale

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

DATE : 30 AUGUST 2023

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

Heard both the sides.

2. The petitioner is challenging the judgment and order dated 21.08.2023, passed by the Scrutiny Committee, invalidating her tribe claim for 'Mannervarlu' scheduled tribe to his extent because another claimant is not before us.

3. The petitioner is relying upon the validity certificate issued to Dhirajkumar who is the paternal side relative.

4. Learned AGP supports impinged judgment and order. According to him, the record of the relatives of the petitioner is totally inconsistent with the claim of the petitioner. The caste claim of Kishor Laxminarayan Darupalli was invalidated. The school record of Narayanswami Munnaswami is found to be suspicious.

5. Learned AGP would submit that the validity certificate of Dhirajkumar is founded on contrary entries and false information. It was rightly discarded by the Scrutiny Committee.

6. Learned AGP has placed on record the original record files of validity holder Dhirajkumar and the petitioner. Learned AGP has strenuously argued that the genealogy produced by the petitioner is inconsistent with the genealogy secured during the vigilance enquiry. There is contrary entry of Kalawati.

7. We have considered rival submissions of the parties. It is seen from the original papers that there was vigilance enquiry in the case of the Rajkumar. The school record was verified including the contrary entries. The Scrutiny Committee issued the validity certificate to Dhirajkumar by speaking order. Unless the validity certificate of Dhirajkumar is revoked, the petitioner cannot be denied the validity certificate. The Scrutiny Committee has reopened matter of Dhirajkumar. In that view of the matter, we are of the considered view that petitioner is entitled to conditional validity.

8. The validity certificate of Dhirajkumar was issued after following due produce of law and it should enure to the benefits of the petitioner. The Scrutiny Committee committed perversity in discarding the same. We find impugned judgment and order is unsustainable. We, therefore, passe the following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order is quashed and set aside to the extent of Tanishq S/o. Chetananand Darupalli.
- iii. The Scrutiny Committee shall issue tribe validity certificate to Tanishq S/o. Chetananand Darupalli forthwith, on condition that the validity certificate shall be subject to the decision taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]