

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

WRIT PETITION NO. 10651 OF 2023

- | | |
|---------------------------------|----------------|
| 1. Ashish Balaji Bachewar | |
| 2. Ajaykumar Madhavrao Bachewar | ...Petitioners |

Versus

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| 1. The State of Maharashtra
Through its Secretary,
Tribal Development Department, Mumbai. | |
| 2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Headquarter, Aurangabad,
Dist. Aurangabad.
Through Deputy Director (R). | |
| 3. The Principal,
Krushi Mahavidyalay, Muktainagar,
Tq. Muktainagar Dist. Jalgaon. | |
| 4. The Registrar,
Mahatma Phule Krushi Vidyapeeth,
Rahuri, Tq. Rahuri, Dist. Ahmednagar. | ...Respondents |

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Advocate for Petitioners : Mr. Jadhavar Pratap V.

AGP for Respondents/State : Mr. S. B. Yawalkar

...

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

DATE : 29 AUGUST 2023

FINAL ORDER (SHAILESH P. BRAHME, J.) :

. Heard both the sides finally at the admission stage.

2. The petitioners are challenging the common judgment and order dated 11.08.2023 passed by the respondent no.2/Scrutiny Committee, invalidating their caste claim of Mannervarlu scheduled tribe and confiscating the same. The petitioners are cousins. They are relying upon the validity certificates issued to father, uncle and aunts. On the ground of parity, they are claiming validation of the caste claim.

3. The learned AGP supports the impugned judgment and order. According to him, the Scrutiny Committee is justified in rejecting the caste claim considering the contrary entries and manipulation in the school record of Bhagirti Maroti Bachewar and Balaji Maroti Bachewar. The validity certificates are not reliable. The Committee has not committed any illegality or perversity.

4. The learned AGP has further informed that the Scrutiny Committee has proposed re-verification of the validity certificates issued to the blood relatives of the petitioners. The original file of validity holder Balaji Maroti Bachewar is placed on record to point out infirmities in the validity certificate of Balaji.

5. The learned Advocate for the petitioners has drawn our attention to the vigilance enquiry conducted in the matter of Balaji. A report in his matter is placed on record which is at page no. 31. The relevant record was considered by the Scrutiny Committee and thereafter by a reasoned order, validity certificate was issued. The reasoned order is seen from the original papers.

6. We find that by following due procedure of law, Balaji was issued with validity certificate. The Scrutiny Committee erred in holding that the validity holders Ramchandra, Ravikumar and Sheela were not the relatives and validity certificate of Balaji is not reliable. There is other documentary evidence to support the claim of Balaji. In view of principles laid down by the Supreme Court in the matter of **Maharashtra Adavasi Thakur Jamat Swarakshak Samiti vs. State of Maharashtra & others** reported in 2023(2) Mh.L.J.785, we have no hesitation to hold that the Scrutiny Committee committed perversity in discarding the validity certificates.

7. The Scrutiny Committee has undertaken exercise of re-verification. Unless the validity certificate is revoked, the petitioners cannot be denied the benefit of some social status. It is in the fitness of the things to direct the Committee to issue conditional validity to the petitioners.

8. We hold that the impugned judgment and order is unsustainable. We, therefore, dispose of the writ petition by passing following order.

ORDER

1) 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 incorporating other conditions/additions.

- 2) The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
- 3) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.