

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

WRIT PETITION NO. 10657 OF 2023

**SHASHVAT VIJAY PUJALWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND ANOTHER**

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Advocate for Petitioner : Mr. Thorat Chandrakant R.
Addl. GP for Respondent/state : Mr. S.B. Yawalkar

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

DATE : 30 AUGUST 2023

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

1. Heard both sides finally at the admission stage.
2. The petitioner is assailing judgment and order dated 18.08.2023 passed by the Scrutiny Committee invalidating caste claim of the petitioner for '*Mannvervarlu*' scheduled tribe. To substantiate the claim, the petitioner is relying upon validity certificates issued to his father, uncles and cousins. According to him, due procedure was followed for issuing them validity certificates.
3. Learned AGP supports impugned judgment and order. The Scrutiny Committee has rightly rejected the caste claim considering contrary entries in school record and the manipulations noticed in the

record of Indumati, Sarojini and Hanumant. According to him, the Scrutiny Committee is justified in discarding the validity certificates.

4. The Scrutiny Committee has decided to reopen the validity certificates. He would submit that this is not a fit case to interfere with the impugned judgment and order.

5. We have considered the submissions of the parties and gone through the papers. Learned counsel for the petitioner would submit that the validity certificates of Sanjay and Vijay, Pradeep and Hanumant are reliable. To buttress this submission, our attention is invited to the speaking order passed by the Scrutiny Committee in the matter of Vijay, issuing validity certificate. We are further shown, the speaking order in the matter of Pradip, a validity holder. Similarly, speaking order is passed in case of Hanumant. The validity certificates are reliable and should enure to the benefits of the petitioner.

6. The learned AGP would submit that there is old contrary record of Anant, Kusumavati, Ramrao and the petitioner failed to make out a case. As the Scrutiny Committee has reopened the matters of validity holders, we do not find it appropriate to comment upon the submissions of learned AGP. The committee can look into the matter. We are of the considered view, that unless the validity certificates are revoked, the petitioners cannot be deprived of sane social status.

7. We find that impugned judgment and order is unsustainable. The petitioner is entitled to validity certificate conditionally. Hence, we pass the following order.

ORDER

- i. Impugned judgment and order dated 18.08.2023 passed by the Scrutiny Committee is quashed and set aside.
- ii The Scrutiny Committee shall issue tribe certificate to the petitioner for '*Mannervarlu*' scheduled tribe.
- iii The validity certificate shall be subject to the outcome of re-verification undertaken by the Scrutiny Committee.
- iv. The petitioner shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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