

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

WRIT PETITION NO. 10729 OF 2023

1. Vinay Parmeshwar Zariwad,
Age : 22 years, Occu. : Education,
R/o Chikhli (I), Tq. Kinwat,
District Nanded
Through Power of attorney holder
Parmeshwar S/o Hushanna Zariwad,
Age : 50 Years, Occu. : Service,
R/o As above.
 2. Vikas S/o Parmeshwar Zariwad,
Age : 18 years, Occu. : Education,
R/o Chikhli (I), Tq. Kinwat,
District Nanded.
- .. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
 2. The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Head Quarter at Aurangabad,
Through its Dy. Director (R),
Dist. Aurangabad.
- .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioners.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 05 SEPTEMBER 2023.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard learned counsel for respective parties finally at the admission stage.

2. The petitioners are challenging the judgment and order dated 22.08.2023 passed by the respondent No. 2/Scrutiny Committee invalidating the tribe certificates of the petitioners for being 'Mannervarlu' (Scheduled Tribe) and confiscating the same.

3. The petitioners are relying upon the validity certificates of Namdev Linganna Zariwad and Saipranay Dattatraya Zariwad.

4. The learned Assistant Government Pleader supports the impugned judgment and order. According to him the scrutiny committee has rightly rejected the caste claims considering manipulation of school record of Pandharinath, Poshetti, Saraswatibai, Narendrakumar and Laxman, etc. The Scrutiny Committee has rightly discarded the validity certificates which are relied upon by the petitioners.

5. The learned A.G.P. submits that the school record of the relatives of the petitioners is suspicious. It is further submitted that the scrutiny committee has proposed reverification of the validity certificates of the relatives of the petitioners. The learned A. G. P. has placed on record the original files of the petitioners and validity holder Namdev.

6. The petitioners have produced the genealogy, which is at page No. 17 of the petition. The validity holders Tukaram and Saipranay are paternal side blood relatives of the petitioner.

7. The petitioners have also placed on record the report of vigilance enquiry in the matter of validity holder Namdev. It reveals that due verification was made in respect of various school entries. An entry of father of the petitioners of 1964, which is said to be an adverse entry is also considered during the enquiry. Thereafter, by reasoned order Namdev was issued with the validity certificate. The original papers of Namdev disclose the speaking order and consideration of the relevant record. We find that the validity certificate was issued to Namdev after following due procedure of law.

8. Both the learned counsel are *ad-idem* on the fact that Namdev Linganna is wrongly described as Vitthal Lingaya Zariwad in the impugned judgment at clause No. 3 of internal page No. 17. The finding of the committee that validity certificate was issued to Namdev only on the basis of validity certificate of Ramesh is not correct.

9. The learned A. G. P. has drawn our attention to the contrary entries of Saraswatibai, Suresh and Linganna from the original papers. When there are already validity certificate of Namdev and Saipranay issued in the family of the petitioners, we cannot take any contrary view in the present matter. The

scrutiny committee has committed error of jurisdiction in rejection the caste claims of the petitioners.

10. The objection of the learned A. G. P. for the inconsistent genealogy, the contrary entries and manipulation in the school record cannot be dealt with in the writ jurisdiction. It is open for the scrutiny committee to look into this aspect of the matter during the course of reverification. Unless the validity certificates are revoked, the petitioners cannot be denied same social status.

11. For the reasons stated above, we find that the petitioners are entitled to validity certificates conditionally. We therefore pass following order.

O R D E R

- A. The writ petition is partly allowed.
- B. The impugned judgment and order dated 22.08.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe) forth with.
- D. The validity certificates shall be subject to the outcome of

the reverification undertaken by the Scrutiny Committee of the validity certificates relied by the petitioners.

E. The petitioners shall not claim any equities.

F. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Sept. 23