

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

WRIT PETITION NO. 10694 OF 2023

Rutuja d/o Ganpatrao Padalwar,
Age: 19 years, Occu. : Student,
R/o At Post Eklara, Tq. Mukhed,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-400 032..
2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat
Headquarter Aurangabad.
Near CIDCO Bus Stand,
Aurangabad, Dist. Aurangabad. .. Respondents

Shri Chandrakant R. Thorat, Advocates for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 28 AUGUST 2023.**

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

. Heard both sides finally at the admission stage.

2. Present writ petition is emanating from the judgment and order dated 22.08.2023 invalidating the caste claim of the petitioner for 'Mannervarlu' (Scheduled Tribe).

3. The petitioner is relying upon five validity certificates issued in favour of her paternal side relatives. Out of them the caste validity certificate of Virbradra Venkatrao Padalwad was issued in pursuance of the order passed by this Court.

4. The learned Additional Government Pleader has opposed the petition and caste claim of the petitioner. According to him the scrutiny committee is justified in rejecting the caste claim. The contrary entries of the relatives indicate the caste as Munnurwar instead of Mannervarlu. It is further pointed out that the caste claims in the matter of Rajkumar and Chandrakant are invalidated which is an impediment in the claim of the petitioner. Manipulation of school record is also noticed in the case of Pandharinath. According to the learned A. G. P. the validity certificates are not reliable one. Thus, there is no reason to interfere with the impugned judgment.

6. We have considered rival submissions of the parties. The genealogy of the petitioner is produced at page No. 109. The relationship of the petitioner with the validity holder is not disputed. The father of the petitioner is validity holder amongst them. Initially the caste claim of the father of the petitioner was rejected. Being aggrieved a writ petition was filed in this Court, which ended in an order of remand. On 09.06.2005 by reasoned order the Scrutiny Committee has issued validity to the father of the petitioner. The self same record was considered in his case. We find that the validity certificate of the father was issued after

following due procedure of law. The same shall enure to the benefit of the petitioner.

7. The learned A. G. P. has argued that orders of invalidation were passed in the matters of Rajkumar and Chandrakant. The learned counsel for the petitioner has shown us that the relationship of the petitioner with these persons is not admitted. It is open for the scrutiny committee to examine this aspect of the matter during reverification. The scrutiny committee has already undertaken reverification of the validity certificates. In that view of the matter, we restrain ourselves from offering any comment on this aspect of the matter.

8. Under the facts and circumstances stated above, we find that impugned judgment and order is liable to be quashed and set aside. The petitioner is entitled to conditional validity. We therefore pass following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned order dated 22.08.2023 passed by the respondent No. 2/Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe).

C. It shall be subject to the decision/out come in the matters to be reopened by the Committee of the validity holders.

D. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.

E. Considering the fact that today is the last date for submitting certificate of validity and since the matter is being heard and decided urgently, we request the learned Addl. G. P. to communicate this order to the Committee immediately, since the law officer of the Committee is present in this Court.

F. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23