

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

WRIT PETITION NO. 10692 OF 2023

1. Shravani D/o Laxman Kolod,
Age: 18 years,
residing at Mangnali
Tal. Dharmabaad, Dist. Nanded.
2. Tejas Laxman Kolod,
Age: 22 years,
residing at Mangnali
Tal. Dharmabaad, Dist. Nanded. .. Petitioners

Versus

1. State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-400 032..
2. Scheduled Tribe Certificate Scrutiny,
Committee, Kinwat Division,
Having its headquarter at
Aurangabad through its
Member Secretary, having its
office at Aurangabad,
Dist. Aurangabad. .. Respondents

Shri R. K. Mendadkar and Shri Sagar S. Phatale, Advocates for
the Petitioners.

Shri S. B. Yawalkar, Addl.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 considering

the urgency expressed by the petitioners.

2. The learned counsel for the petitioners has prayed for leave to correct the name of the father of the petitioner No. 1. Leave granted.

3. The petitioners are the siblings of Laxman Ramchandra Kolod. Their tribe certificates for 'Mannervarlu' (Scheduled Tribe) are invalidated by the judgment and order dated 25.08.2023 by the respondent No. 2/Scrutiny Committee. Taking exception to the judgment the petitioners have approached this Court.

4. The petitioners are relying upon the validity certificates issued to their father and real uncle. The learned counsel for the petitioners would submit that the validity certificates were issued after following due procedure of law. According to him the scrutiny committee has committed perversity in rejecting the tribe claims.

5. Per contra the learned Additional Government Pleader would submit that the impugned judgment and order is passed after considering the contrary record and manipulation in the school record. The scrutiny committee has rightly discarded the validity certificates. No case is made out by the petitioners to interfere with the impugned judgment and order.

6. We have considered rival submissions of the parties. The

relationship of the petitioners with the validity holder is not disputed. The learned counsel for the petitioners has drawn our attention to the speaking order passed in the matter of father of the petitioners issuing validity certificate. The relevant record was considered by the Scrutiny Committee. We find that the validity certificate is reliable one.

7. The petitioners are relying upon another validity certificate of Shriniwas. The caste claim of Shriniwas was rejected by the Scrutiny Committee. Against that Writ Petition No. 7099 of 2005 was preferred by him. The writ petition was partly allowed and the matter was remanded to the Scrutiny Committee. After remand Shriniwas was issued with the validity certificate by the committee by reasoned order. The order of the scrutiny committee is on record. We find that the validity certificate is reliable one.

8. The validity certificates issued to father and uncle of the petitioner should enure to the benefit of the petitioner. It is not permissible for the scrutiny committee to examine self same record and arrive at contrary conclusion to deprive the claimant from the social status. Unless and until earlier validity certificates are revoked, the petitioners cannot be deprived of same social status. In that view of the matter, the petitioners are entitled for validity certificate on certain conditions.

9. The learned counsel for the petitioners has also invited our attention to the old record. The document of Fasli 1356 (1947) is

relied upon by the petitioner. The learned Addl. G. P. has objected the said document as it could not be verified during the vigilance enquiry. According to him the document is inadmissible in evidence. We find that reasoned order passed in the case of Shriniwas reflects that the said document was considered by the Scrutiny Committee. In that view of the matter, objection of the learned Addl. G. P. is overruled. However, it is open for the scrutiny committee to consider this aspect of the matter during reverification.

10. We hold that the impugned judgment and order is liable to be quashed and set aside for the reasons assigned above. Therefore, we pass following order

ORDER

A. The writ petition is partly allowed.

B. The impugned order dated 25.08.2023 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 petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/Aug. 23