

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

**WRIT PETITION NO. 10759 OF 2023**

Ajinkya s/o Govind Reddy,  
Age 19 years, Occ. Student,  
R/o. Ausa, Tq. Ausa, Dist.  
Latur.

... **Petitioner**

VERSUS

1) The State of Maharashtra  
Department of Tribal Development,  
Mantralaya Mumbai-32  
Through its Secretary.

2) Scheduled Tribe Certificate  
Scrutiny Committee, Kinwat Office  
at Aurangabad,  
Through Member Secretary.

... **Respondents**

...  
Advocate for the Petitioners : Mr. Jadhav Vivek U.  
A.G.P for the Respondents/State : Mr. S. B. Yawalkar

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

**DATE** : **01.09.2023**

**PER COURT :**

Heard the learned advocate for the petitioner and the learned A.G.P finally with consent in view of the urgency inasmuch as 03.09.2023 is the last date for the petitioner to secure his admission to M.B.B.S course in CAP-2 of NEET (UG)-2023.

2. The petitioner is challenging the order of the respondent-scrutiny committee confiscating and cancelling his certificate of '*Mannervarlu*' scheduled tribe.

3. Having heard both the sides, it transpires that there is no dispute about the genealogy. One Babaji Ramanna Reddy is the great grand father

of the petitioner. He is the grand son of one of the sons of Babaji by name Chandrakant. Chandrakant is survived by five sons viz. Govind, Krishna, Balbhim, Yogesh and Ramdas. Admittedly, except Yogesh the rest of the four sons possess certificates of validity of *Mannervaru* scheduled tribe. The petitioner is the son of Govind.

4. The committee has refused to extend the benefit of these validities to the petitioner by making certain observations as to how they have obtained the certificates of validity by resorting to fraud. A false and bogus record of their father Chandrakant was managed to be procured. The decisions were not reasoned orders. Composition of one of the committees which granted certificate to Govind was faulty inasmuch as one of the members was not eligible and that Krishna had relied upon the validities of maternal side relations.

5. We do not intend to comment on the powers of the Committee to undertake such review or reopen the inquiries. Even if it has such a power, we do not intend to make any observations touching the circumstances which according to the Committee constitute fraud, for two reasons. Since it is an issue which is directly and substantially in issue under consideration of the Scrutiny Committee we cannot make any observation which could have some bearing on that inquiry. Secondly, the validity holders are not before us. Therefore, we also do not intend to cause any prejudice to them by making certain observations touching the alleged fraud. We leave it at that.

6. The fact remains that till time the committee does not undertake a fresh scrutiny and takes the matter to its logical end to enable it to confiscate and cancel the certificates of validity issued to the petitioner's relations, he cannot be deprived of having its benefit.

7. As regards the observation of the Committee regarding composition of the then Committee which granted validities to Govind, Krishna, Balbhim

and Ramdas, in our considered view, a successor committee cannot question such composition more so when according to Rule 9(3) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2003, the decision of the committee which comprises of three members can be by majority. In this view of the matter when there was no dispute about the eligibility of the other two members this ground will not be sustainable.

8. Independently, even if the documents available to the committee and reproduced in the order under challenge are considered, barring a marginal difference in the description of the tribe name in the school records like '*Mannervarlu*', '*Munnervarlu*' and '*Munnervarloo*', there are no contrary entries could be revealed. We are of considered view that such slight variation in describing the tribe name could not have been regarded as contrary entries. Except such record there is no other contrary record to discard the petitioner's claim.

9. There is old school record of petitioner's father Chandrakant of 1960 wherein he has been described as '*Mannervarlu*' and the committee has not found it to be manipulated.

10. In the circumstances, the impugned order is clearly perverse and arbitrary and is liable to be quashed and set aside.

11. The Writ Petition is partly allowed.

12. The impugned order dated 31.08.2023, passed by the respondent No. 2-scrutiny committee, is quashed and set aside.

13. The committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlu*' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it

intends to reopen in respect of the validity holders.

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

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

( SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-