

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

**WRIT PETITION NO.12289 OF 2023
WITH
CIVIL APPLICATION NO.12707 OF 2023**

**CHETANAND GOPALSWAMI DARUPALLI
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner/ Applicant : Shri Sunil M. Vibhute.
AGP for Respondents 1 and 2/State : Shri P.S. Patil
Advocate for Respondents 3 and 4 : Shri P.R. Tandale

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 19th October, 2023

Per Court :-

1. The Petitioner is aggrieved by the impugned judgment dated 21.08.2023 by which, the Scrutiny Committee has invalidated his claim of belonging to the "Mannervarlu", Scheduled Tribe category.

2. We have perused the family tree. The Petitioner is the son of Gopalswami and grandson of Munnaswami. Gopalswami's biological brothers are Narayanswami and Laxminarayan. Dhirajkumar s/o Laxminarayan has received the

validity certificate. He is the biological cousin brother of the Petitioner.

3. The impugned order is a common order passed by the Scrutiny Committee in the two cases of the Petitioner as well as his son Tanishq. This Court (Coram : Mangesh S. Patil and Shailesh S. Brahme, JJ.) has delivered the following order dated 30.08.2023 in Writ Petition No.10652/2023 filed by ***Tanishq***

Chetanand Darupalli vs. The State of Maharashtra and others :-

- “ *Heard both the sides.*
2. *The petitioner is challenging the judgment and order dated 21.08.2023, passed by the Scrutiny Committee, invalidating her tribe claim for ‘Mannervarlu’ scheduled tribe to his extent because another claimant is not before us.*
 3. *The petitioner is relying upon the validity certificate issued to Dhirajkumar who is the paternal side relative.*
 4. *Learned AGP supports impinged judgment and order. According to him, the record of the relatives of the petitioner is totally inconsistent with the claim of the petitioner. The caste claim of Kishor Laxminarayan Darupalli was invalidated. The school record of Narayanswami Munnaswami is found to be suspicious.*
 5. *Learned AGP would submit that the validity certificate of Dhirajkumar is founded on contrary entries and false information. It was rightly discarded by the Scrutiny Committee.*
 6. *Learned AGP has placed on record the original record files of validity holder Dhirajkumar and the petitioner. Learned AGP has strenuously argued that the genealogy produced by the*

petitioner is inconsistent with the genealogy secured during the vigilance enquiry. There is contrary entry of Kalawati.

7. *We have considered rival submissions of the parties. It is seen from the original papers that there was vigilance enquiry in the case of the Rajkumar. The school record was verified including the contrary entries. The Scrutiny Committee issued the validity certificate to Dhirajkumar by speaking order. Unless the validity certificate of Dhirajkumar is revoked, the petitioner cannot be denied the validity certificate. The Scrutiny Committee has reopened matter of Dhirajkumar. In that view of the matter, we are of the considered view that petitioner is entitled to conditional validity.*

8. *The validity certificate of Dhirajkumar was issued after following due produce of law and it should enure to the benefits of the petitioner. The Scrutiny Committee committed perversity in discarding the same. We find impugned judgment and order is unsustainable. We, therefore, passe the following order :*

ORDER

- i. The Writ Petition is partly allowed.*
- ii. The impugned judgment and order is quashed and set aside to the extent of Tanishq S/o. Chetananand Darupalli.*
- iii. The Scrutiny Committee shall issue tribe validity certificate to Tanishq S/o. Chetananand Darupalli forthwith, on condition that the validity certificate shall be subject to the decision taken by the Committee in the matters which it intends to reopen in respect of the validity holders.*
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.*
- v. The petitioner shall not be entitled to claim equities.”*

4. Considering the above and keeping in view the law laid down in **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, 2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21**, the Petitioner can be granted a validity certificate. However, since the coordinate Bench of this Court has passed a conditional order in the case of Tanishq (reproduced above), we are of the view that a conditional order, keeping in mind the law laid down by this Court in the case of *Shweta Balaji Isankar vs. The State of Maharashtra and others*, Writ Petition No.5611/2018 (Principal Seat) decided on 27.07.2018, can be passed.

5. In view of the above, the impugned order, which is set aside to the extent of Tanishq, stands quashed and set aside even in the case of the present Petitioner. **This Writ Petition is, therefore, partly allowed.** The competent Committee would issue a validity certificate to the Petitioner within 60 days from today.

6. Needless to state, considering the law laid down in *Shweta Balaji Isankar (supra)*, if the claim of Dhirajkumar or Tanishq is reopened and any one of them suffers invalidation, the consequences suffered by the said candidate would befall upon

the present Petitioner and he would also be liable to suffer the same consequences.

7. In the light of the above, the Civil Application questioning the termination of the Petitioner dated 12.10.2023, needs interference. **The Civil Application is allowed.** The Petitioner, who was terminated on account of the invalidation of his tribe claim, shall stand reinstated with continuity and full back wages w.e.f. 12.10.2023.

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(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)