

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

WRIT PETITION NO. 11155 OF 2023

Shravani Balaji Shankarwar

...Petitioner

Versus

1. Scheduled Tribe Certificate Scrutiny Committee,
Scrutiny Committee, Kinwat
Through its Member Secretary.

2. The State Common Entrance Cell
Maharashtra, Mumbai
8th Floor, New Excelsior,
K. Nayak Marg, Fort, Mumbai,
Through its Commissioner &
Competent Authority.

...Respondents

...

Advocate for Petitioner : Mr. Gite Umesh Babanrao
AGP for Respondents/State : Mr. S.R. Yadav-Lonikar

...

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

DATE : 26 SEPTEMBER 2023

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

Heard both the sides finally.

1. The petitioner has filed present petition seeking direction to the respondent/Scrutiny Committee to decide the tribe claim. An urgency is that the petitioner has been aspiring for admission to the under graduate in the medical science. Pending present petition, the Scrutiny

Committee invalidated the tribe claim by judgment and order dated 14.09.2023. We granted permission to the petitioner to amend the petition for challenging the judgment and order. Thus, the judgment dated 14.09.2023 invalidating tribe certificate has been questioned in the present matter.

2. The learned Counsel for the petitioner is relying upon the validity certificate of Balaji Saiyanna Shankarwar and Venkat Saiyanna Shankarwar. He has placed reliance on the speaking orders passed by the Scrutiny Committee in case of Balaji and Venkat. He further submits that the show cause notice was issued for re-verification of validity certificate to Balaji. It was withdrawn. Therefore, the impugned judgment is contradictory and liable to be quashed. It is further submitted that the siblings of Venkat namely Liniya and Vishwas are also issued with validity certificates.

3. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee has rightly rejected the caste claim considering incompatible school record as well as manipulation in the record of Gangadhar. He would submit that the validity certificates are procured by suppression of material facts. The Scrutiny Committee has arrived at just and proper conclusion in given facts.

4. We have considered rival submissions of the parties. The genealogy which is at page no.13 discloses the relationship of the

petitioner with the validity holders. There are speaking orders passed by the Scrutiny Committee in the matters of Balaji and Venkat to grant them validity. The selfsame record is pressed into service by the petitioner to support her claim. The Committee has committed perversity in discarding the caste validity certificates.

5. The submissions of the learned AGP regarding contrary entries cannot be countenanced. Considering those entries the validity certificates were issued earlier in the family. The learned Counsel for the petitioner has denied the relationship with the persons in whose names the contrary entries are recorded, namely Bebi, Chandrakala, Suresh, Digambar and Savitribai. Besides that the Committee did not deal with the contrary entries, which are shown at page no.54. Therefore, the Scrutiny Committee should not have rejected the caste claim.

6. Unless the validity certificates issued earlier are recalled, the petitioner cannot be denied the validity certificate. The petitioner is entitled to validity certificate conditionally. We find that the impugned judgment and order is unsustainable. We, therefore dispose of the writ petition by passing following order.

ORDER

(i) The writ petition is partly allowed. The impugned order is quashed and set aside.

(ii) The Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to “Mannervarlu” scheduled tribe in the prescribed format without adding anything. The validity certificate shall be subject to the final outcome of the matters which the Committee has decided to reopen.

(iii) The learned AGP to communicate this order to the Committee immediately.

(iv) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb.