

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****45 Writ Petition No. 11156 of 2023**

Akshay s/o Rajesh Kaslod

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat Division, Aurangabad,
through its Member Secretary.
3. The Sub-Divisional Officer,
Billoli, Dist. Nanded.

...Respondents

AND**46 Writ Petition No. 11157 of 2023**

Rahul s/o Rajesh Kaslod

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat Division, Aurangabad,
through its Member Secretary.
3. The Sub-Divisional Officer,
Billoli, Dist. Nanded.

...Respondents

AND**47 Writ Petition No. 11158 of 2023**

Anil s/o Rajaram Kaslod

...Petitioner

Versus

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

2. The Scheduled Tribe Certificate Scrutiny Committee, Kinwat Division, Aurangabad, through its Member Secretary.
3. The Sub-Divisional Officer, Billoli, Dist. Nanded. ...Respondents

AND

48 Writ Petition No. 11159 of 2023

Ajay s/o Rajesh Kaslod ...Petitioner

Versus

1. The State of Maharashtra, Through its Secretary Tribal Development Department, Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate Scrutiny Committee, Kinwat Division, Aurangabad, through its Member Secretary.
3. The Sub-Divisional Officer, Billoli, Dist. Nanded. ...Respondents

Mr. Madhur A. Golegaonkar, Advocate for the Petitioners in all matters.

Mr. S.G. Sangale, AGP for Respondents/State.

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

DATE : 11 SEPTEMBER 2023.

FINAL ORDER [SHAILESH P. BRAHME, J.] :

. Heard both the sides finally at the admission stage.

1. The petitioners are challenging common judgment and order dated 11.08.2023 passed by the Scrutiny Committee, invalidating their tribe certificates of Mannervarlu scheduled tribe. The material placed on record is common, therefore the petitions are decided by

this common order. For the sake of convenience, the papers of Writ Petition No.11159/2023 are referred to. The petitioners have placed on record a genealogy which is prepared during vigilance enquiry.

2. The petitioners are relying upon the validity certificates issued to Rajesh, Sunil and Rajaram. Amongst them, Sunil is the first validity holder, whose vigilance report and order passed by the Scrutiny Committee are referred to.

3. Per contra, the learned AGP supports the impugned judgment and order. According to him, there are contrary entries in the school record of Laxman, Rajanna, Renuka, Ramesh and Goraman. He submits that the Scrutiny Committee rightly discarded the validity certificates which were obtained by suppression of material facts and the validity certificate of Sunil was based upon the validity certificate of maternal side relative. He would submit that the genealogy proposed by the petitioners and produced in the matter of Sunil, are not matching.

4. The learned AGP has placed on record the original papers of Sunil Rajaram Kaslod to point out discrepancy in the genealogy. He has further drawn our attention to the old contrary entry of Koli of 1972 appearing in the school record of Laxman. He would therefore urge to dismiss the petitions.

5. We have considered the rival submissions of the parties. A genealogy signed by Rajesh Kaslod, as a part of vigilance enquiry is placed on record. The validity holders are paternal side relatives of

the petitioners. Rajesh, a validity holder is the father of petitioners; Akshay, Rahul and Ajay, whereas Rajaram a validity holder is the father of petitioner, Anil.

6. Our attention is drawn by the learned Advocate for the petitioners to the vigilance report prepared in the matter of Sunil Rajaram Kaslod, which is at page no. 84. It reveals that besides other documentary evidence, the school entry of Narayan Kaslod of 1953 indicates caste as Mannervarlu. By speaking order, validity certificate was issued to Sunil which is at page no.91. We find that by following due procedure of law, validity certificate was issued to him. It should enure to the benefit of the petitioners. The Scrutiny Committee erred in discarding the said certificate because it is not solitarily founded on a validity certificate of maternal side relative, Laxmi, but other corroborative material is on record.

7. We find that the school entry of Narayan Kaslod of 1953 has a greater probative value. It was already considered while issuing validity certificate to the validity holder. The Scrutiny Committee has considered the selfsame record and arrived at contrary findings, which is an error of jurisdiction.

8. The learned AGP emphatically has contended that there is entry of Koli in the school record of Laxman of the year 1972, which is old one and therefore the Scrutiny Committee is justified in rejecting the caste claim. We have considered a older entry of Narayan Kaslod of 1953 in the above referred paragraph. We find that entry of Laxman is inconsequential.

9. It is informed that the Scrutiny Committee has undertaken re-verification of the validity certificates issued to the relatives of the petitioners. It is open for the Committee to consider the objections of the learned AGP in respect of genealogy or suppression of material facts. However, we are of the considered view that unless the validity certificate issued earlier are revoked, the petitioners cannot be deprived of the validity certificates.

10. We find that the impugned judgment and order is unsustainable. Hence, the following order.

ORDER

- (i) The writ petitions are partly allowed.
- (ii) The common impugned order dated 11.08.2023 passed by the respondent no.2/Scrutiny Committee, is quashed and set aside.
- (iii) The Committee shall immediately issue tribe validity certificates to the petitioners 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.
- (iv) The certificates of validity shall be issued in the prescribed format without incorporating any conditions/additions.
- (v) The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]