

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 11608 of 2023

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| 1. Sandhya d/o Sudhakar Sukre | |
| 2. Suraj s/o Sudhakar Sukre | ...Petitioners |

Versus

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| 1. The State of Maharashtra,
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai. | |
| 2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Office at Aurangabad,
through its Member Secretary. | ...Respondents |

Mr. Phatale Sagar S., Advocate for the Petitioners.

Mr. A. A. Jagatkar, AGP for Respondents/State.

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

DATE : 15 SEPTEMBER 2023.

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

. Heard both the sides finally at the admission stage.

1. Being aggrieved by the judgment and order dated 13.09.2023 passed by the Scrutiny Committee, invalidating their tribe claim of Mannervarlu scheduled tribe and confiscating the certificate, petitioners have filed this petition. They are the siblings of Sudhakar Dattatray Sukre. They are relying upon the validity certificates of number of relatives including father and uncle. Amongst the

validities granted in the family one for the validity holder that is Sumedha Lobhaji Sukhre was issued with validity certificate in pursuance of the order passed by the High Court. Therefore, on the ground of parity it is urged that the petitioners be issued the validity certificates.

2. The learned AGP has opposed the tribe claim of the petitioners. He submits that the school record produced by the petitioners is incompatible with their claim. The tampering of the record of Ramji, Narayan, Laxman, Nagoba was found. He would submit that there is no perversity or illegality in the impugned judgment and order. He would further submit that the tribe certificate is rightly discarded by the Scrutiny Committee considering the suppression of material facts.

3. The learned Counsel for the petitioners has invited our attention to the genealogy which is at page no.41. The relationship is not controverted by the respondents. Father, uncle and number of relatives have been issued with validity certificates. Sumedha, one of the validity holder is figuring in the genealogy. She was issued with validity certificate vide order dated 16.12.2020 passed in Writ Petition No.8271/2020 by the High Court. The validity certificate issued to Lobhaji was relied upon by the High Court. The direction was issued to issue validity certificates conditionally. We also propose to follow the same course.

4. When selfsame record was already considered, the Scrutiny

Committee should not have rejected the caste claim of the petitioners. The petitioners are entitled to validity certificates conditionally.

5. The learned AGP has informed that the Scrutiny Committee has undertaken re-verification of the validity certificates of the relatives of the petitioners. Unless the validity certificates which are under consideration are revoked, the petitioners cannot be denied the similar social status.

6. We find that the impugned judgment and order is unsustainable. Hence the following order is passed.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned judgment and order dated 13.09.2023 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 re-open in respect of the validity holders.
- (iv) The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- (v) The petitioners shall not be entitled to claim equities.

(vi) Considering the urgency in the matter, we request learned AGP to communicate this order to the Committee immediately, since the Law Officer of the Committee is present in this Court.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

NAJEEB/..