

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

**WRIT PETITION NO. 13141 OF 2021**

Ahiylyabai d/o Prakashrao Mandalwad,  
Age : 26 years, Occ : Student,  
R/o Mantha, Tq. Hadgaon,  
Dist. Nanded. .. Petitioner

**Versus**

1. The State of Maharashtra,  
Through it's Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
2. The Director of Medical Education,  
Saint John Hospital Campus,  
Mumbai – 32.
3. Maharashtra University of  
Health Science,  
Through its Registrar,  
Dindori Road Mharsul,  
Nasik, Dist. Nasik.
4. Deputy Director (Research)  
and Member Secretary,  
Scheduled Tribe Certificate  
Scrutiny Committee,  
Near Saint Lawrence High  
School, Town Centre, CIDCO,  
Aurangabad, Dist. Aurangabad.
5. Government Ayurved College,  
Vazirabad, Nanded,  
Tq. and dist. Nanded,  
Through its Dean. .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.  
Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1, 2, 4  
and 5.

**WITH  
WRIT PETITION NO. 13414 OF 2021**

1. Anant S/o Prakashrao Mandalwad,  
Age : 24 years, Occ : Student,  
R/o Mantha, Tq. Hadgaon,  
Dist. Nanded.
  2. Jyoti d/o Prakashrao mandalwad,  
Age : 29 years, Occ : Student,  
R/o Mantha, Tq. Hadgaon,  
Dist. Nanded.
- .. Petitioners

**Versus**

1. The State of Maharashtra,  
Through it's Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
  2. Deputy Director (Research)  
and Member Secretary,  
Scheduled Tribe Certificate  
Scrutiny Committee,  
Near Saint Lawrence High  
School, Town Centre, CIDCO,  
Aurangabad, Dist. Aurangabad.
- .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioners.  
Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 23 AUGUST 2023.**

**FINAL ORDER (*Per Shailesh P. Brahme, J.*) :-**

. Heard both sides for final disposal at admission stage considering the urgency expressed by the petitioners.

2. By common judgment and order dated 08.11.2021 the tribe claims of the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe) are invalidated by the respondent/Scrutiny Committee.

3. The petitioners are from the same family and they are relying upon the common record. Therefore, both the petitions can be disposed of by this common order.

4. The petitioners are relying upon the validity certificates issued to Pravin Maroti Mandalwad and Jagdish Shivanna Mandalwad. According to them there is cogent material placed on record to support their claims. On the self same record the validity certificates were issued on earlier occasion and, therefore, the Scrutiny Committee has committed error of jurisdiction in rejecting the tribe claims.

5. The learned Additional Government Pleader supports the impugned judgment and order. He would submit that there is contrary record and the validity certificates are not reliable. The genealogy produced before the Committee by the petitioners is suspicious. To support the submissions, the learned Addl. G. P. has placed on record original papers of the petitioner in Writ

Petition No. 13141 of 2021 and Jagdish Shivanna Mandalwad, a validity holder.

6. We have considered the submissions and perused the papers produced before us. It reveals that the relationship of the petitioners with the validity holders is not disputed. There was vigilance enquiry in the case of validity holders Pravin Maroti and Jagdish Shivanna. By reasoned orders the validity certificates were issued to them. The documentary evidence was considered by the Scrutiny Committee in their matters. We find that the validity certificates are reliable because they were issued after following due procedure of law.

7. It is not permissible for the present scrutiny committee to arrive at a contrary findings on the self same record. Unless and until the validity certificates are revoked, it is not permissible to deny the validities to the petitioners. In that view of the matter, the scrutiny committee has committed serious error of jurisdiction.

8. The learned Addl. G. P. has informed that the Committee has proposed to reopen the matters of the validity holders. Strenuously the learned Addl. G. P. would point out inconsistency in the genealogy. We refrain ourselves from offering any comment for the submissions of the learned Addl. G. P. at this juncture. It is open for the Scrutiny Committee to enquire into all relevant aspects of the matter. We find that the petitioners are entitled to conditional validities.

9. For the reasons recorded above, we pass following order.

**O R D E R**

- A) The writ petitions are partly allowed.
- B) The impugned common judgment and order is quashed and set aside.
- C) The respondent-Scrutiny Committee shall immediately issue tribe validity certificate to the petitioners as belonging to '*Mannervarlu*' scheduled tribe in the prescribed format without adding anything.
- D) The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
- E) The petitioners shall not be entitled to claim equities.

[ SHAILESH P. BRAHME, J.]      [ MANGESH S. PATIL, J.]

*bsb/Aug. 23*