



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

WRIT PETITION NO.11719 OF 2018

1. Shyam Gangadhar Jayewar
Age: 19 years, Occu: Education
R/o: Kundalwadi, Tq. Biloli
Dist. Nanded

2. Shubham Gangadhar Jayewar
Age: 21 years, Occu: Education
R/o: Kundalwadi, Tq. Biloli,
Dist. Nanded

3. Sainath Gangadhar Jayewar
Age: 41 years, Occu: Education
R/o: Kundalwadi, Tq. Biloli,
Dist. Nanded

... Petitioners

Versus

1. The State of Maharashtra,
Through a Secretary,
Higher and Technical Education Department,
Mantralaya, Mumbai

2. The Scheduled Caste and Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad Dist. Aurangabad

3. The Government Engineering College
At Nagpur, District Nagpur
Through its Principal

4. Mahatma Gandhi College
At Ahmedpur, Tq. Ahmedpur,
District Latur
Through its Principal

5. Dr. Ambedkar College of Law,
Nagsenvan, Aurangabad
District Aurangabad
Through its Principal

... Respondents

...
Mr. Ashwin V. Hon and Mr. C. A. Jadhav, Advocate for the Petitioners
Mr. V. M. Jaware, AGP for the Respondents/State
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 04.12.2023

PER COURT :

- . Heard both the sides.
2. Rule. Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.
3. The petitioners are challenging the order of invalidation, which is passed in common, thereby confiscating and cancelling their 'Mannervarlu' Scheduled Tribe certificates.
4. Admittedly, the petitioners' father – Gangadhar possesses certificate of validity. The Committee has refused to extend the benefit of the validity possessed by the petitioners' father on the ground that it was obtained by concealing contrary school record, wherein, the petitioners' second degree cousins were mentioned as 'Mannurvar' and that it was granted relying upon the validity of one Jagdish Lachhamanna Jayewar with whom they had no blood relationship. It has also observed that the Committee which issued certificate of validity to Gangadhar was not legally constituted as the Law Officer of the Committee had signed the order as a member.
5. As far as the allegations regarding fraud are concerned, obviously it

would be a matter which will have to be taken to the logical end after hearing Gangadhar. That exercise cannot be undertaken in this proceeding. It would have a potential to adversely affect his interest.

6. As far as composition of the Committee which issued certificate of validity to Gangadhar is concerned, in view of Rule 9 of the Rules of 2003 framed under the Maharashtra Act No.XXIII of 2001, decision of the Committee is to be taken by majority. If it was a Committee of three members, irrespective of the fact that one of its members was not eligible to be member of the Committee would not go to the root of the decision of that Committee.
7. Admittedly, Gangadhar was issued certificate of validity by following due process of law. A vigilance inquiry was conducted and for the reasons recorded by the Committee, he was held entitled to have a certificate of validity which is still valid.
8. Even if the Committee has now doubted the relationship of the petitioners with validity holders, namely, Jagdish Lachhamanna Jayewar and Maroti Potanna Jayewar relying upon whom Gangadhar was granted certificate of validity, pertinently, both these validity holders had substantiated Gangadhar's claim by filing affidavits.
9. In these circumstances, when the petitioners are ready to run the risk of facing the consequences contemplated in the matter of **Shweta Balaji Ishankar Vs. State of Maharashtra and Ors.** in **Writ Petition No.6320/2017**, having seen that their father possesses a certificate of validity which was issued by following due process of law, even the petitioners would be entitled to have conditional validities. Hence, we proceed to pass the following order:

ORDER

- (i) The Writ Petition is allowed partly. The impugned order is quashed and set aside.
- (ii) The respondent – Committee shall immediately issue certificate of validity to the petitioners of ‘Mannervarlu’ Scheduled Tribe.
- (iii) The certificate of validity would be subject to the final outcome of the matters which the Committee has decided to re-open in respect of the validity holders.
- (iv) The validity holders shall co-operate the Committee in early decision of their matters.
- (v) The petitioners shall not be entitled to claim equities.
- (vi) Rule is made absolute in the above terms.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]

Sameer