

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

WRIT PETITION NO. 11745 OF 2023

1. SAROJANI BALAJI PADALWAR
2. SHUBHAM BALAJI PADALWAR
3. PRIYANKA VYANKAT PADALWAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. Jadhavar Pratap V.

AGP for Respondents : Mr. A.A. Jagatkar

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

DATE : 20 SEPTEMBER 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard learned counsel for both the sides finally. The matter is not on board but it is mentioned by learned counsel for the petitioners disclosing urgency as the petitioners aspire to take admission for under graduation. Hence, taken up on production board for final adjudication.

2. The petitioners have questioned common judgment and order dated 15.09.2023, invalidating their tribe certificates of 'Mannervarlu' scheduled tribe and confiscating them. They have strongly relied upon the judgment of the High Court in the matter of Swati Balaji Padalwar Versus State of Maharashtra in Writ Petition No. 8690 of 2019. They are further relying upon the validity certificates of their father Balaji Baburao Padalwar, Trimbak Baburao Padalwar and Shrinivas Baburao Padalwar.

3. Learned AGP would support the impugned judgment and order. According to him, Scrutiny Committee has rightly rejected the tribe claims as the school record was incompatible. There is census record. He would submit that the validity certificates pressed into service are procured by misrepresentation and suppression of material facts. It is pointed out that order of invalidation of tribe certificate of Hanmant Piraji Padalwar was suppressed. The validity certificate of Balaji is submitted to be unreliable being based upon extraneous record.

4. Learned counsel for the petitioner has drawn our attention to the genealogy which is at page no. 44. There is no dispute about the relationship with the validity holders. Father of the petitioner nos. 1 and 2, is issued with validity certificate after following due procedure of law. We have noticed vigilance report in his matter indicating verification of the record of the relatives. By speaking order, he was issued with validity certificate. We find that the Scrutiny Committee erred in discarding his validity certificate. Unless the same is revoked, the petitioners cannot be denied the benefit of same social status. We disapprove the reason assigned for discarding validity certificate of Balaji.

5. Besides above referred clinching material on record, it is pointed out that High Court allowed caste claim of Swati Balaji Padalwar in Writ Petition No. 8690 of 2019 vide order dated 17.07.2019. We have gone through the said order which is at page no. 72. We also propose to follow the same course. We hold that the petitioners are

entitled to validity certificate, conditionally. The impugned judgment and order is unsustainable. We find that the impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order is quashed and set aside. The respondent-scrutiny committee shall immediately issue certificates of validity to the petitioners of 'Mannervarlu' scheduled tribe. It shall be subject to the final outcome of the matters which the committee has decided to reopen.
- iii. The petitioners shall not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]