

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

WRIT PETITION NO. 11659 OF 2022

Akanksha d/o Mahajan Puppallwad,
Age : 19 years, Occu. : Student,
R/o At Post Patoda (Tb),
Tq. Naigaon (Kh.), Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. Tribal Research and Training Institute,
Government of Maharashtra,
28, Queen Garden,
Pune – 411 001.
Through its Commissioner.
3. Scheduled Tribe Certificate
Verification Committee, Kinwat
Headquarter Aurangabad,
Through its Deputy Director (Research)
and Member Secretary,
Near CIDCO Bus Stand,
Aurangabad, Dist. Aurangabad. .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST 2023.**

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

. Heard learned counsel for both the sides finally at the

admission stage.

2. The petitioner is challenging the judgment and order dated 14.02.2022 passed by the respondent/Scrutiny committee invalidating her tribe claim for Scheduled Tribe 'Mannervarlu' and confiscating the tribe certificate.

3. The petitioner is relying upon pronouncement of High Court in the matter of Pallavi Raosaheb Uppalwar Vs. The State of Maharashtra in Writ Petition No. 1698 of 2022. A copy of order passed in that matter is placed on record. The learned counsel for the petitioner has also placed on record the genealogy, validity certificates of Omprakash Madhav Pupalwad, Ashok Puppalwad, Pandurang Sambhaji Pupalwad, Anita Shriram Puppalwad, Sanjay Sambhaji Puppalwad and Pallavi Raosaheb Pupalwad.

4. The learned Assistant Government Pleader opposes the claim of the petitioner. He would submit that the Scrutiny Committee has rightly rejected the caste claim considering the contrary entries and the manipulation of the school record. The validity certificates are not reliable and procured by suppressing material facts. The petitioner is unable to even satisfy the affinity test. He would therefore submit that no case is made out to interfere with the impugned judgment and order.

5. The genealogy produced by the petitioner during the course of hearing discloses that Pallavi Raosaheb Puppalwad is the

paternal side relative of the petitioner. The caste claim of Pallavi was invalidated by the Scrutiny Committee by judgment and order dated 31.01.2022. The text of the said judgment is available on record at Exhibit – Q. Being aggrieved by the invalidation, Pallavi had filed Writ Petition No. 298 of 2022, which was allowed by this Court on 07.01.2023.

6. The learned counsel for the petitioner has drawn our attention to the fact that identical record was considered by the Scrutiny Committee in the case of Pallavi. The coordinate Bench has allowed the caste claim of Pallavi and directed the Scrutiny Committee to issue validity certificate conditionally. We propose to adopt similar course in the present matter also.

7. We have noticed that there are other validity holders in the family of the petitioner. Their validity certificates are on record. With this background, the learned A. G. P. is unable to persuade us to take contrary view. We hold that the Scrutiny Committee has committed patent illegality in rejecting the caste claim. It is perversity to discard the validity certificates. As such, the impugned judgment and order is unable to be sustained.

7. For the reasons stated above, we pass following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned order dated 14.02.2022 passed by the respondent No. 2/Committee is quashed and set aside. The Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe).

C. It shall be subject to the decision/out come in the matters to be reopened by the Committee of the validity holders.

D. The certificate of validity shall be issued in the prescribed format without incorporating other conditions.

E. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 23