

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

WRIT PETITION NO. 12048 OF 2023

1. Varsha Balajirao Padalwar,
Age :- 25 years, Occu. Student,
R/o Eklara, Tq. Mukhed,
Dist. Nanded.
2. Ravikant Balajirao Padalwar,
Age :- 27 years, Occu. Student,
R/o Eklara, Tq. Mukhed,
Dist. Nanded. .. Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Kinvat,
Head Office, Aurangabad
Through its Deputy Director (R). .. Respondents

Shri P. V. jadhavar, Advocate for the Petitioners.

Shri S. R. Yadav Lonikar, A.G.P. for the Respondent Nos. 1 & 2.

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

DATE : 19 OCTOBER 2023.

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

. Heard learned counsel for respective sides finally at the admission stage.

2. The petitioners are siblings of Balajirao Gangadhar Padalwar. They claim to be belonging to the scheduled tribe 'Mannervarlu'. Their tribe certificates are invalidated and confiscated by common judgment and order dated 01.09.2023 by the respondent No. 2/Scrutiny Committee. Being aggrieved by the same the present petition is filed.

3. The petitioners are relying upon the validity certificates issued to their father, Pranavi Virbhadra, Pranita Prakash, Prajakta Prakash, Nikhil Suryakant, Samiksha Sangmeshwar, Pravin Pralhad and Prashant Pralhad, etc. There are other validity holders in the family which can be seen from the genealogy on the page No. 54. The learned counsel for the petitioners vehemently submits that the committee has committed an error of jurisdiction in rejecting the caste claims, because considering self same record the validity certificates are issued to number of family members in the family. He has also placed reliance on order passed by this Court on 27.07.2023 in the matter of Pranavi and Samiksha which is produced at page No. 55. He also seeks reliance on the old record of Pralhad, Balaji and Fasli record of 1937.

4. The learned Assistant Government Pleader supports the impugned judgment and order. He would submit that the scrutiny committee has considered the contrary entries in the record of the relatives of the petitioners and rightly rejected the caste claims. The validity certificates are not reliable. According to him the committee has arrived at plausible conclusion. The

petitioners have failed to make out any case and the petition is liable to be dismissed.

5. We have considered rival submissions of the parties. The genealogy is produced on record at page No. 54. It shows that there are number of validity certificates issued in the family of the petitioners. Petitioners' father Balaji is validity holder. Besides that Pranavi and Samiksha are issued with the validity certificates by common order passed by this Court which is produced at page No. 55. After considering self same record the validity certificates are already issued in the family of the petitioners. The scrutiny committee should have issued the validity certificates to the petitioners on certain conditions.

6. Our common order dated 27 July, 2023 passed in the matter of Pranavi and Samiksha is conditional order. We propose to adopt the same course. The scrutiny committee has committed error of jurisdiction in rejecting the tribe claims of the petitioners. The impugned judgment and order is unsustainable.

7. We therefore pass following order.

ORDER

A. The writ petition is allowed partly.

B. The impugned judgment and order dated 01.09.2023 is set aside. The Scrutiny Committee shall now issue validity certificates to the petitioners as belonging to 'Mannervarlu'

scheduled tribe immediately, which shall be subject to the decision that would be taken in the matters of validity holders which the Committee intends to re-open.

C. The petitioners shall not be entitled to claim any equities.

D. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/Oct. 23