

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

WRIT PETITION NO. 12050 OF 2023

HRITIK SATISH PILANGWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioner : Mr. O.D. Totawad h/f. Mr. C.R. Thorat
AGP for Respondents : Mr. S.G. Sangale

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

DATE : 17 OCTOBER 2023

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

Heard both the sides for final disposal.

2. The petitioner claims to be 'Mannervarlu' scheduled tribe. His tribe certificate is invalidated by the Scrutiny committee and confiscated it by judgment and order dated 15.09.2023. The said judgment is assailed by the petitioner mainly on the ground of parity. Learned counsel submits that the validity holders Mansi and Jagdish have been issued with tribe validity certificates in pursuance of the order passed by the High Court. Besides that, there are validity holders in the family who received validity certificates from the Committee, considering the self same record.

3. Learned AGP supports impugned judgment and order. According to him, the Committee has arrived at a plausible conclusion. No illegality or perversity can be found in the impugned judgment and order. The record of the relatives of the petitioner namely Gangadhar and Ganesh is incompatible with the claim of

the petitioner. The validity certificates are rightly discarded by the Committee.

4. We have considered rival submissions of the parties. The genealogy is produced on record at page no. 155. It is not disputed by the respondents. Father of the petitioner and aunt are the closest validity holders. Learned counsel for the petitioner has drawn our attention to exhibit 'I', a common order passed by our Bench in the matter of Mansi and Jagdish. We have allowed the Writ Petition partly and directed Scrutiny Committee to issue validity certificate on condition. Presently also we propose to follow the same course.

5. Learned counsel for the petitioner has referred to the vigilance report in the matter of Shobha, Mansi and Jagdish. The petitioner is entitled to receive validity certificate in the wake of validity certificates of Shobha, Mansi and Jagdish. The Scrutiny Committee committed perversity in rejecting the caste claim of the petitioner.

6. The impugned judgment and order is unsustainable. We propose to pass following order :

ORDER

- i. The impugned judgment and order dated 15.09.2023, passed by the respondent no. 2 - Scrutiny Committee, is quashed and set aside.

ii. The respondent no. 2 - Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' scheduled tribe to the petitioner, forthwith.

iii. The validity certificate shall be subject to outcome of the re-verification intended by the Scrutiny Committee.

iv. The certificate of validity shall be issued in the prescribed format without incorporating any additions/conditions.

v. The petitioner shall not be entitled to claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]