

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

944 WRIT PETITION NO. 3254 OF 2022

SAIRAJ SURESH PANDHARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

AND
WRIT PETITION NO. 14109 OF 2021

SHREEYA GAJENDRA TAMLOORKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. A.S. Golegaonkar
h/f. Mr. Golegaonkar Madhur A.
AGP for Respondents : Mr. S.G. Sangale
...

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

DATE : 25 AUGUST 2023

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

1. Heard both sides finally.
2. At the request of the learned counsel for the petitioners, the papers of Writ Petition No. 14109 of 2021 are called for and both the petitions are decided together.
3. The petitioners are member of the family claiming to be 'Mannervarlu' scheduled tribe. Their tribe certificates were invalidated by the Scrutiny Committee by common judgment and order dated

15.11.2021. Being aggrieved, they are before us. They are relying upon validity certificate issued to Suresh Hanmantrao Pandhare.

4. Learned AGP would oppose the caste claims of the petitioners. He would submit that the Scrutiny Committee has taken plausible and reasonable view considering the evidence on record. The Committee has rightly rejected the caste claim considering the contrary entries and manipulation of school record in the matter of Datta and Ratn. An order of invalidation passed in the matter of Gajendra Pandhare, was suppressed.

5. Learned AGP has placed on record the original file of petitioners and validity holder Suresh. It is informed that the Scrutiny Committee has opened the matters of validity holders because the genealogy is suspicious and the validity certificate of Suresh is procured by suppressing material facts.

6. It can be seen from the record that the petitioners are related to validity holder Suresh. The original papers in the matter of Suresh reveals that vigilance enquiry was conducted and old record was verified. It was followed by reasoned order granting validity to him.

7. We do not approve the reason assigned by Scrutiny Committee for discarding his validity certificate. The validity certificate

is issued after following due procedure of law. It should enure to the benefit of the petitioners. The submissions of learned AGP regarding the suspicious relationship, coloured photocopies of contrary record and misrepresentation by the petitioners can be gone into by the Scrutiny Committee during the course of re-verification. We do not find any cogent reason to deprive the petitioners from the validity certificates. The petitioners are entitled to conditional validity by setting aside the impugned judgment and order.

8. Hence, we pass following order :

ORDER

- i. The Writ Petitions are partly allowed.
- ii. The common impugned order dated 15.11.2021, passed by the respondent no. 2 – Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificates to the petitioners as belonging to ‘Mannervarlu’ scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.

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

v. The petitioners shall not be entitled to claim equities.

vi. The petitioners and the validity holders shall cooperate with the Scrutiny Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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