

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

WRIT PETITION NO. 14804 OF 2021

YOGESH S/O. HARINAM KOLAMWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

AND
WRIT PETITION NO. 14615 OF 2021

1. RUPALI D/O. HARINAM KOLAMWAD
2. SUPRIYA D/O. HARINAM KOLAMWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Petitioners : Mr. Chandrakant R. Thorat
Addl. GP for Respondents : Mr. P.S. Patil

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

DATED : 02 AUGUST, 2023

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

1. Heard both sides for final adjudication at the admission stage.
2. The petitioners are the siblings and children of Harinam Sadashiv Kolamwad. Their caste claims was rejected by distinct common orders passed by the Scrutiny Committee on 09.12.2021. As there is a common record, both the petitions are considered together.
3. The petitioners rely upon the validity certificates of their

father Harinam and uncle Balaji. According to them, the validity certificates should have been accepted by the Scrutiny Committee.

4. Learned AGP supports impugned judgment and order. He would submit that there were contrary entries of pre-independence period. There was suppression of such entries while the validity was issued to their father. The Scrutiny Committee has rightly discarded the validity certificates. He prays for dismissal of the Writ Petition.

5. We have gone through the speaking orders passed in the matter of father and uncle of the petitioners granting validity. We are not shown any strong reason or circumstance to take contrary view for discarding the validity certificates. We hold that the Scrutiny Committee committed perversity in discarding the validity certificates in light of law laid down by the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others, 2023 SCC Online SC 326.

6. Learned AGP has informed that the Scrutiny Committee has decided to re-open the matters of the validity holders. We, therefore, refrain ourselves from offering our comments to the submissions advanced by learned AGP. The Committee has power to consider the objections during the re-verification. However, the

petitioners are entitled to conditional validity. We, therefore, hold that impugned judgment and order is liable to be quashed. Hence, we pass following order :

ORDER

- i. The Writ Petitions are partly allowed.
- ii. The impugned order dated 09.12.2021 passed by the respondent no.2/Scrutiny Committee is quashed and set aside. 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 matter which it intends to reopen in respect of the validity holders.
- iii. The petitioners shall not claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/