

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

WRIT PETITION NO. 609 OF 2022

SHRADDHA RAJESHWAR LAKADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. A.S. Golegaonkar h/f Mr.Golegaonkar Madhur A.
AGP for Respondent Nos. 1 to 3/State : Mr. S. G. Sangale

...

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

DATE : 31 JULY 2023.

PER COURT :

. Heard both the sides finally at the stage of admission in view of the exigency.

2. The petitioner is challenging the order passed by the respondent no.2/Scrutiny Committee, invaliding her tribe claim as Mannervarlu, confiscating and cancelling the certificate under Section 7(1) of the Maharashtra Act No. XXIII of 2001.

3. It appears that the petitioner's father was issued with a validity certificate by then the Committee in the year 2010. By the impugned order, the respondent no.2 has refused to rely upon his validity certificate on two grounds, firstly, an adverse entry in the school record

of petitioner's paternal uncle Anandrao Lakade of 17.07.1979 read as Munnurwar. The second ground for the Committee to raise the suspicion is regarding the school record of petitioner's father of Pratibha Niketan Primary School, wherein it was found that the entry at Serial No.1156 in the name of petitioner's father was inserted later on by resorting to forgery.

4. So far as adverse entry is concerned, it does appear that the petitioner's paternal uncle's school record read his caste as Munnuwar, which is inconsistent with the petitioner and her father's claim of being Mannervarlu. However if really the petitioner intended to resort to manipulation in this respect, they could have made an attempt to correct even this entry. Merely because it was not available to the Committee while deciding the claim of petitioner's father, in our considered view this could not have been a valid ground for the Committee to refuse to rely upon the validity certificate of the father.

5. So far as the alleged manipulation is concerned, it has not been placed on record before us to objectively scrutinize the inference being drawn by the respondent/Committee.

6. Besides, indeed if there is some manipulation which would constitute an attempt at fraud, it would not be proper for us to make any comment by deciphering the material available before the Committee, when the validity holder himself is not a party before us. If

at all the Committee is entitled to reopen his case, he will have to be served with notice to show cause and given an opportunity of being heard. Any inference drawn by us regarding the alleged fraud and manipulation, would cause a prejudice to him when he is not before us. We, therefore, refrain ourselves from undertaking any scrutiny in that respect, more so when the Committee has decided to reopen his case. Pertinently, from last one and half year since pronouncement of the impugned order, no steps seems to have been taken to actually undertake that exercise. If that be so, the petitioner cannot be denied the benefit of having a validity certificate which can be made subject to the outcome of the decision to be taken in the matter of her father.

7. The writ petition is partly allowed. The impugned order is quashed and set aside.

8. The respondent no.2/Scrutiny Committee shall immediately issue tribe validity certificate of 'Mannervarlu' to the petitioner, which shall be subject to the decision to be taken by it in the matter of petitioner's father which it intends to reopen. The petitioner shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]