

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

WRIT PETITION NO. 144 OF 2023
WITH
CIVIL APPLICATION STAMP NO. 25095 OF 2023

MANSI GANGADHAR PAKALWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondents : Mr. P.S. Patil
Advocate for Applicant in CA : Mr. S.N. Lale Yelwatkar
....

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

DATED : 10 AUGUST, 2023

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

1. Heard both the sides finally.
2. The petitioner is assailing judgment and order dated 07.11.2022, passed by the Scrutiny Committee, invalidating the claim of the petitioner for 'Mannervarlu' scheduled tribe. The petitioner is relying upon the validity certificate issued to her father Gangadhar and the old entries.
3. Learned AGP supports impugned judgment and order.

According to him, there were contrary entries of Shivaji Tulshiram and Gangaram Subhanji. During the vigilance enquiry manipulation of school record was found. It is further contended that genealogy is doubtful and inconsistent. It is submitted that the petition is liable to be rejected.

4. Learned AGP informs that the Scrutiny Committee is conducting re-verification of validity certificates. He has placed on record original files of petitioner and her father Gangadhar.

5. Our attention is invited to old entry of Chafula Tulshiram Pakalwad, which is of 1967. She is the aunt of of the petitioner. There was vigilance enquiry conducted in case of the petitioner's father Gangadhar. All relevant record was considered including that of Chafula. By reasoned order, Gangadhar was issued with validity certificate. The same would enure to the benefit of the petitioner.

6. The submissions of the learned AGP regarding inconsistency in the genealogy, manipulation of the school record cannot be considered in the present matter which would amount to re-appreciating the record. The Committee has a power to look into all

the objections during re-verification. Our comments on the submissions of learned AGP would prejudice the enquiry of the validity holders which is under way.

7. We are of the considered view, that the petitioner is entitled to conditional validity. The impugned judgment and order is unsustainable. Hence, we pass following order :

ORDER

- i. The writ petition is partly allowed.
- ii. The impugned order dated 07.11.2022, passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the final decision to be taken by the Committee in the reopened matters.
- iv. The Committee shall conclude the matters which it has intended to reopen finally within six months.

- v. The petitioner and her father shall cooperate the Committee in completing this exercise.
- vi. The petitioner shall not be entitled to claim equities.
- vii. Pending application for intervention is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/