



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

WRIT PETITION NO. 2335 OF 2024

Meena Linguram Tatewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri A. D. Sonkawade, Advocate h/f Shri Sainath G. Jayewar,
Advocate for the Petitioner.

Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 31 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage considering exigency in the matter.

2. Judgment and order dated 07.12.2023 passed by the respondent/Scrutiny Committee confiscating and invalidating tribe certificate of Mannervarlu (Scheduled Tribe) of the petitioner is under challenge in this petition. Petitioner relies on the validity certificate of Gangadhar Linganna Tatewad and old school entry of Linganna Moglaji Tatewad. The petitioner relies on following orders of this Court :

(i) Order dated 26.06.2023 in the matter of Anjali d/o Baliram Muddewad Vs. The State of Maharashtra and others in

Writ Petition No. 11323 of 2022.

- (ii) Order dated 10.07.2023 in the matter of Nivedita d/o Nilesh Bhoinwad Vs. The State of Maharashtra and others in Writ Petition No. 11454 of 2022.
- (iii) Order dated 02.07.2024 in the matter of Kum Pratiksha Dipak Sone and others Vs. The State of Maharashtra and others in Writ Petition No. 15001 of 2023.
- (iv) Order dated 22.07.2024 in the matter of Amol Ramesh Nilewad Vs. The State of Maharashtra and others in Writ Petition No. 14536 of 2021 with other connected writ petitions.

3. Learned Assistant Government Pleader supports impugned judgment and order. He tenders on record original file of petitioner and validity holder Gangadhar to show that validity certificate of Gangadhar is not reliable as it was cyclostyled order. It is further submitted that there is manipulation in the school record of Linganna Moglaji and revenue entries of Balaji, Gangadhar, Dattatraya and Linganna are incompatible with the tribe claim of the petitioner.

4. We have gone through the relevant record and considered submissions of the parties. There is no dispute about relationship of the petitioner with the Gangadhar. There was vigilance enquiry conducted in the matter of Gangadhar, in which old record of Linganna Moglaji was found to be genuine. He withstood the affinity test. By speaking order he was issued with the validity certificate. The validity certificate was issued

after following due procedure of law and reliable one.

5. Though the learned A. G. P. has pointed out that revenue entries of blood relatives are incompatible with the tribe claim of the petitioner, photo copy of Linganna Moglaji is indicative of manipulation, Committee undertakes the reverification and recalls the validity of Gangadhar, it would not be appropriate to deprive the petitioner from the validity certificate.

6. Learned counsel for the petitioner submits that his client is ready to run the risk and is ready to abide by the ratio laid down in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. We are of the considered view that the petitioner deserves validity certificate conditionally.

7. It is being pointed out that validity holder Gangadhar is no more. It is up to the Scrutiny Committee to consider the repercussion of the death of the validity holder and the manner in which reverification is to be conducted. Just because there is death of validity holder, the social status does not enervate. The learned counsel for the petitioner has rightly referred to the judgments during course of his submissions.

8. Impugned judgment and order is liable to be quashed and set aside. We, therefore, pass following order :

O R D E R

- A) The writ petition is allowed partly.
- B) The impugned judgment and order dated 07.12.2023 passed by the respondent /Scrutiny Committee is quashed and set aside.
- C) The respondent/Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed proforma.
- D) The validity certificate of the petitioner shall be subject to the outcome of the reverification to be undertaken by the Scrutiny Committee of the validity holder.
- E) The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24