



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

WRIT PETITION NO. 2090 OF 2024

Venkateshprasad Sahebrao Mamilwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

**WITH
WRIT PETITION NO. 2080 OF 2024**

Nitin Gangadhar Mamilwad and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner in both matters.

Shri D. R. Korde, A.G.P. for the Respondent Nos. 1, 3 and 4 in both matters.

Shri S. B. Pulkundwar, Advocate for the Respondent No. 2 in W. P. No. 2090 of 2023.

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

DATE : 18 JULY 2024.

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

. The petitioners are siblings/paternal side relatives. There is common record. Hence both petitions are clubbed together for final disposal.

2. Heard both sides finally at the admission stage.

3. Petitioners are challenging common judgment and order dated 16.01.2024 passed by the respondent/Scrutiny Committee confiscating and invalidating tribe certificates of petitioners as belonging to 'Mannervarlu' (Scheduled Tribe). Venkateshprasad and Sampada are real brother and sister. Nitin and Madhushri are their cousins. Their relationship is not disputed. There are as many as four validity holders in the family, namely, Prakash, Krushnaji, Kiran and Sanjivani. Prakash is the father of petitioner Madhushri. Sanjivani is real sister of petitioners Sampada and Venkateshprasad.

4. Learned counsel for the petitioners submits that Prakash Rajaram Mamilwad is the first validity holder. A vigilance enquiry was conducted in his matter. By a reasoned order he was issued with the validity certificate by the Scrutiny Committee.

5. Per contra, learned Assistant Government Pleader would support the common impugned judgment and order. He would submit that school record of Pandhari and Sahebrao was found to be manipulated. There was contrary entry of Sarubai. He would further submit that committee is justified in discarding the validity certificates.

6. With the assistance of learned A. G. P. we have gone through the original papers of Venkateshprasad. Our attention is invited to the photo copies of the school record of Gangadhar,

Prakash and Vitthal to point out that the record is suspicious and manipulated. The self same record was considered earlier while granting validity certificates to many relatives of the petitioners. Unless those certificates are revoked, the petitioners cannot be denied benefit of the same.

7. We have perused the vigilance report and the order of committee in Prakash's matter. Old school entry of Vitthal Krushnaji Mamilwad of 1953 disclosing caste as Mannervarlu was scrutinized in his case because that is the oldest entry having greater probative value, which has been relied by the subsequent validity holders as well as the petitioners. We find that validity certificate of Prakash was issued by following due procedure of law and can be relied upon.

8. Record further reveals that there is vigilance report and a reasoned order in case of the petitioners' sister, Sanjivani as well. Affinity test was held in her favour. Her certificate would enure to the benefit of the petitioners. Besides that there are validity certificates of Krushnaji and Kiran issued by reasoned orders by the scrutiny committee.

9. When self same record is already considered by the scrutiny committee in case of other validity holders, there is no reason to deny the validity certificates to the petitioners.

10. Petitioners are ready to abide by the conditions to be imposed considering the law 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.
Impugned common judgment and order is unsustainable.
Therefore following order is passed :

O R D E R

- I. Writ petitions are allowed partly.
- II. Impugned judgment and order dated 16.01.2024 passed by the respondent/Scrutiny Committee is quashed and set aside.
- III. The respondent/scrutiny committee shall issue validity certificates to the petitioners as belonging to “Mannervarlu” (Scheduled Tribe) immediately. Same shall be subject to outcome of the reverification of the validity certificates intended to be undertaken by the scrutiny committee.
- IV. Petitioners shall not be entitled to claim equities.

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

bsb/July 24