



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

WRIT PETITION NO. 2906 OF 2024

Ankush Shankarrao Narwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1, 2 and 4.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 26 JULY, 2024.**

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

. Heard both the sides finally, considering the exigency expressed by the petitioner.

2. This petition is directed against judgment and order dated 06.12.2023 passed by the Scrutiny Committee confiscating and invalidating the tribe certificate of the petitioner of 'Mannervarlu' (Scheduled Tribe). Petitioner relies on the validity certificates of Shankar, Sanjay and Aniket. There is old record of 1962 of Sayanna Gangaram to support the claim of the petitioner.

3. Learned Assistant Government Pleader supports the impugned judgment and order. He would submit that validity certificates upon which reliance is placed are obtained by

suppression of material facts and misleading the earlier committees. They are not reliable and committee has proposed reverification also. It is further submitted that school record of Sayanna, Gangadhar and Shankar would indicate manipulation of the record. He would also submit that there is contrary record of Gangadhar and Gangaram.

4. We have considered the submissions of the parties. Sanjay is the real uncle of the petitioner, who is first validity holder. He was issued with the validity certificate after considering vigilance enquiry report and by a speaking order of the Scrutiny Committee. Petitioner's father Shankar was also issued with the validity certificate after following due procedure of law and by a speaking order. Besides that Aditya Dattatraya Narawad was also issued with the validity certificate after considering vigilance report and by a speaking order. The validity certificates would enure to the benefit of the petitioner. Old record of Sayanna is the foundation for granting validity certificates.

5. When self same record has already been scrutinized while issuing validity certificates in the family of the petitioner, the scrutiny committee has committed error in rejecting the caste claim of the petitioner. The learned counsel for the petitioner is ready to run the risk as contemplated 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 impugned judgment and order is liable to be quashed and set aside and the petitioner is entitled to conditional validity. We, therefore, pass following order :

O R D E R

- A) The writ petition is partly allowed.
- B) The impugned order dated 06.12.2023 passed by the respondent No. 4/Scrutiny Committee is quashed and set aside.
- C) The respondent No. 4/Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed proforma without adding anything. The validity shall be subject to outcome of the matters which the committee has decided to re-open.
- D) The petitioner shall not be entitled to claim equities.
- E) The writ petition is disposed of in above terms.

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

bsb/July 24