



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 6781 / 2024

Bapurao s/o Ashok Pakalwad,
Age 27 years, Occu. Education,
R/o: Ritha, Tq. Pandurna,
Tq. Bhokar, Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Member Secretary,
Scheduled Tribe Certificate Scrutiny Committee,
Kinwat, Head Quarter at Aurangabad
Tal. & Dist. Aurangabad.

...Respondents

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Mr. S.B. Solanke, Advocate for the Petitioners.

Mr. S.P. Joshi, AGP for Respondents/State.

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

DATE : 11 JULY 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides.

2. The petitioner is challenging judgment and order dated 20.03.2024 passed by the Scrutiny Committee, confiscating and invalidating tribe certificate for scheduled tribe, Mannervarlu. Petitioner seeks to rely upon validity certificate issued to Prajyot who is real brother of the petitioner

vide judgment and order passed by High Court in Writ Petition No.1043/2023 passed on 25.08.2023, albeit on certain conditions.

3. Learned Counsel for the petitioner submits that after following due procedure of law, validity certificate was issued to real brother which would enure to the benefit of the petitioner. Petitioner also seeks to rely on further validity certificate of Seeta which was also issued by High Court in Writ Petition No.3904/2022.

4. Learned AGP would support impugned judgment and order. He would submit that the Scrutiny Committee has taken into consideration contrary entries of the parental side relatives of the petitioner and invalidated the caste claim. He would submit that validity certificate upon which reliance is placed were procured by suppressing material facts and they are not reliable.

5. We have considered the submission of the parties. We have gone through the relevant papers. The genealogy which is placed on record has not been disputed by the respondents. Petitioner's real brother Prajyut was issued with validity certificate by order of this Court on 25.08.2023. The selfsame record was considered by this Court, it would be discriminatory to deny the caste benefit to the petitioner. In that matter reliance was placed upon the validity certificate of Seeta which was also issued by the intervention of High Court in Writ Petition No.3904/2022. We find that in view of judgment of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan**

Samiti Vs. State of Maharashtra and Ors., 2023 SCC Online SC 326, the petitioner has made out a case for granting validity certificate. We, therefore, pass following order :

ORDER

- I. The impugned judgment and order is quashed and set aside.
- II. The respondent no.2/Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' scheduled tribe to the petitioner forthwith.
- III. The validity certificate shall be subject to outcome of the re-verification proposed by the Scrutiny Committee.
- IV. The petitioner shall not claim equities.
- V. The Writ Petition is allowed in above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

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