



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

WRIT PETITION NO. 7244 OF 2024

Niraj Maruti Padalwar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Ramchandra K. Mendadkar a/w Shri Vijay Gangalwad and
Mr. Bayas Anandsingh S., Advocates for the Petitioner.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1, 2 and 5.

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

DATE : 22 JULY 2024.

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

. Heard both sides finally.

2. Petitioner is challenging judgment and order dated 03.09.2018 passed by the respondent No. 2/Scrutiny Committee invalidating and confiscating the tribe certificate of the petitioner of 'Mannervarlu' (Scheduled Tribe).

3. Petitioner is relying on the validity certificates of Varsha and Pooja, who are his real sisters. Besides that there are number of validity holders in the family. Learned counsel would submit that validity certificates of Pallavi and Nilesh were issued by High Court in Writ Petition No. 2847 of 2022 vide order dated 11.07.2023. Hence on the ground of parity, the scrutiny

committee should have issued validity certificate to the petitioner.

4. Learned Assistant Government Pleader would oppose the submissions of the petitioner. He would submit that the validity certificates of the family members were obtained by suppressing contrary record. Invalidations of Rajkumar, Rajendrakumar, Chandrakant and Babarao were suppressed. He would submit that no interference is called for in the impugned judgment and order.

5. We have considered rival submissions of the parties. We have also considered the genealogy and the relationship of the petitioners with the validity holders who are from paternal side. Validity holders Varsha and Pooja are real sisters of the petitioner. It reveals that self same record has already been scrutinized while issuing them validity certificates. It further reveals that Pallavi Sanjay Padalwar and Nilesh Sanjay Padalwar were issued with the validity certificates vide our order dated 11.07.2023 passed in Writ Petition No. 2847 of 2022. We are of the considered view that the petitioner is entitled to validity certificate on certain conditions.

6. We, therefore, pass following order :

O R D E R

i) The writ petition is partly allowed.

- ii) The impugned order is quashed and set aside.
- iii) The respondent No. 2 - 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.
- iv) The petitioner shall not be entitled to claim equities.

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

bsb/July 24