



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

WRIT PETITION NO. 7160 OF 2024

Piyush Narayan Puramwar .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocates for the Petitioner.
Shri K. N. Lokhande, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 24 JULY 2024.**

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

. Heard both sides finally at the admission stage as the petitioner aspires to prosecute further education on the basis of tribe status.

2. The judgment and order dated 21.06.2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating tribe certificate of the petitioner of 'Mannervarlu' (Scheduled Tribe) is under challenge in this petition. Petitioner relies on validity certificates issued to his father Narayan, uncle Ganesh and aunt Deepali.

3. Learned counsel for the petitioner submits that on the ground of parity the Scrutiny Committee ought to have issued validity certificate to the petitioner. He would further submit that the finding of the Scrutiny Committee relying upon contrary entries of school record of Radhabai Vithal, Sheshrao Vitthal and

Rukmin Vithal is perverse as they are not related to the petitioner.

4. Learned Assistant Government Pleader repels the submissions of the petitioner. He would submit that the validity certificates are unreliable as they were obtained by suppressing contra entries. The Committee has proposed reverification of those validity certificates. It is further submitted that the findings are based on record and plausible.

5. We have considered submissions of the parties. Petitioner relies on validity certificate of father, uncle and aunt. Petitioner's uncle Ganesh is first validity holder. He was issued with validity certificate by a speaking order, relying on vigilance enquiry report. So is the case with validity holder Narayan, petitioner's father. Self same record has under went scrutiny on couple of occasions. It is not permissible for the Committee to take contrary view in this matter. The validity certificates are issued in accordance with law and they would enure to the benefit of the petitioner.

6. Record reveals that in the present matter vigilance report refers to contrary entries in school record of Sheshrao, Rukmin and Radhabai. The petitioner tendered reply to the report and denied that the above referred persons had ever taken education. This aspect has not been dealt with by the Committee. It is recorded that school record of Sheshrao, Rukmin and Radhabai is incompatible with the tribe claim of the petitioner. The finding is perverse and unsustainable. The petitioner did not deny the

relationship with those persons, but specifically denied the fact that they had ever taken any education.

7. The petitioner is ready to abide by the conditions 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**. Hence he is entitled to have validity certificate on certain conditions. The learned A. G. P. has informed that the Committee has decided to reopen matters of validity holders. Till their certificates are revoked, the petitioner is entitled to receive conditional validity. We ,therefore, pass following order :

O R D E R

- A) The writ petition is partly allowed.
- B) The impugned order dated 21.06.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C) The respondent No. 2/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.

[**SHAILESH P. BRAHME, J.] [**MANGESH S. PATIL, J.]**
*bsb/July 24***