



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

Writ Petition No. 7853 OF 2024

Pranjal d/o Pavankumar Gattuwar
Age 17 years, Occu. Education,
Through Natural Guardian i.e. Father
Pavankumar s/o Sayanna Gattuwar
Age : 47 years, Occ.: Service,
R/o : Kundalwadi, Tq. Biloli
Dist. Nanded.

...Petitioner

Versus

Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Headquarter at Aurangabad.
Through Member Secretary.

...Respondents

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Senior Advocate Mr. P.R. Katneshwarkar i/by Mr. S.S.
Phatale, Advocate for the Petitioner.

Mr. A.R. Kale, Addl.GP for Respondent/State.

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

DATE : 07 AUGUST 2024

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

. We propose to decide this petition finally at the admission stage considering exigency.

2. The petitioner is challenging judgment and order dated 05.07.2024 passed by the Scrutiny Committee, confiscating and

invalidating her tribe certificate of 'Mannervarlu' Scheduled Tribe. She seeks to rely on the validity certificates of Krushna, Narendra and Mahesh.

3. Learned Senior Counsel Mr. P.R. Katneshwarkar for the petitioner submits that Krushna was issued with validity certificate after following due procedure of law. Mahesh Damanna Guttuwar was issued with validity certificate by intervention of the High Court in Writ Petition No.14100/2023. He would also tender on record order passed in the matter of Kumari Yashda daughter of Rajesh Guttuwar in Writ Petition No.14772/2017 to buttress that a validity granted to Mahesh was relied in granting validity certificate. The validities relied by the petitioner are reliable in view of ratio laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, 2023 SCC Online SC 326. Hence it is submitted by the learned Counsel that petition is bound to succeed.

4. Learned AGP tenders on record original papers of first validity holder – Krushna Venkanna Guttuwar. He would vehemently submits that the school record of close relatives of the petitioner, Hanmanlu, Narsimalu, Damanna and Nagmini is compatible with the caste claim. The Committee noticed tempering of record in the matter of Venkat, Laxman, Narsimalu and Damanna. He would submit that validity certificate of

Krushna is liable to be discarded particularly when in his case the validity holders were not his paternal side relatives.

5. Having heard both the sides, we find that there is no dispute about the relationship of the petitioner with the validity holders. As can be seen from genealogy, there are number of validity holders in the family. Krushna, being the first validity holder was referred to and relied upon in the subsequent claims. Amongst them Mahesh, was issued with validity certificate by order dated 18.12.2023 passed in Writ Petition No.14100/2023.

6. It reveals from original papers of validity holder Krushna that there was vigilance inquiry. His vigilance report was considered by the Committee. He was granted validity certificate by a reasoned order. Learned Senior Counsel Mr. P.R. Katneshwarkar rightly submitted that in view of law laid down by the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti** (supra), validity of Krushna needs to be followed.

7. We have gone through the order passed in the matter of Mahesh (supra). The selfsame record has already been considered by us in granting validity certificate conditionally. We propose to adopt the same reasons and the course in the case in hand. Additionally, we are shown order passed by us in the matter of Yashda (supra) which refers to order passed in the

matter of Mahesh (supra). We are of the firm view that the petitioner is entitled to receive validity certificate conditionally.

8. As pointed out by the learned AGP, in the matter of Krushna, validity certificates of Sainath and Nagesh were relied upon. It was specifically mentioned that they were maternal side relatives. It is not a case of suppression of relationship. Rather, there is candid disclosure of maternal side relation. On this count, validity issued to Krushna cannot be faulted with.

9. Petitioner is ready to run the risk as per the judgment rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. Impugned judgment and order is liable to be quashed and set aside. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 05.07.2024 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' scheduled tribe to the petitioner forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.

- d. The petitioner shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

Najeeb..