



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO. 7994 OF 2024

YOGESH ANANDRAO YEMALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

AND

934 WRIT PETITION NO. 7995 OF 2024

AKSAY ANANDRAO YEMALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Golegaonkar Madhur A.
AGP for Respondent Nos. 1 to 3 : Mr. S.P. Joshi

...

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

DATE : 20 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard both sides finally as there is urgency in the matter.

2. The petitioners are siblings and sons of Ananda Ramchandra Yemalwad whose tribe certificates are invalidated by common judgment and order dated 12.07.2024, passed by the Scrutiny Committee. There is a common record and, therefore, petitions are being decided by this common order.

3. The petitioners would rely on validity certificates of their father Ananda, real sister Ashwini, paternal side relatives Kishan and Nagorao. The old record was already verified at the time of issuing validity to their father and sister and, therefore, they are also entitled to same social status. It is further submitted that their father's school entry of 1970 has been castigated as contrary by the Committee but the same was held to be genuine while considering tribe claims of father and sister. The petitioners would further rely on pre-constitutional record of Laxman Krushnaji Yemalwad.

4. Learned AGP supports impugned order. He tenders on record original papers of the petitioners and earlier validity holders. It is submitted that the Committee has rightly rejected the tribe claims taking into account incompatible school record of petitioner's father and that of Mohan and Laxman. Record of Laxman was found to be manipulated. The validity certificates of Ananda and Ashwini are rightly discarded by the Committee.

5. We have considered submissions of the parties and with their assistance, we have gone through the original papers. Petitioners' father and real sister are the validity holders. We find

that vigilance enquiry was conducted in case of their father and old record including school record of 1970 was verified. We have verified that by a speaking order Ananda was issued with validity certificate.

6. In case of Ashwini, there was vigilance enquiry and the school record of 1970 of her father was verified. By a speaking order she was also issued with validity certificate. We are of the considered view that validities of petitioners' father and sister are issued after following due procedure of law and would enure to the benefit of the petitioners.

7. The Committee discarded the validities on the ground that school record of petitioner's father Ananda was incompatible. However, the same record was verified previously and was found to be genuine. This aspect of the matter has not been considered by the Committee, which is a perversity.

8. The petitioners rely on revenue record of Laxman Krushnaji Yemalwad which is of 1352 Fasli (1942 AD). The original record is in Modi script. They produced the translated copy and the photo copy of record. It can be seen from genealogy

that Laxman Krushnaji Yemalwad is great grandfather of the petitioners. We have gone through coloured photo copy of the transaction but have not been shown any coloured photo copy of original Modi script. It was the duty of the Committee to undertake the scrutiny to verify the record before entertaining any doubt about it. The record has been discarded arbitrarily by the Committee.

9. The Committee has proposed reverification of earlier validites issued in the family. The petitioners are ready to run risk in view of law laid down in the matter of *Shweta Balaji Isankar Versus State of Maharashtra and others*, decided by the High Court in Writ Petition No. 5611/2018. In that view of the matter, they are entitled to receive conditional validity. We, therefore, pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. The common judgment and order dated 12.07.2024 is quashed and set aside.
- iii. The respondent no. 2 – Scrutiny Committee shall issue validity certificates of ‘Mannervarlu’ scheduled tribe

to the petitioners forthwith, which shall be subject to outcome of reverification proposed by the Scrutiny Committee.

iv. Petitioners shall not claim any equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]