



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

Writ Petition No. 8333 OF 2024

Shreyash s/o Narayan Mandale
R/o : Karkheli, Tq. Dharmabad
Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra,
Trough its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Verification,
Committee, Kinwat,
Headquarter Chhatrapati Sambhajinagar,
Through its Deputy Director (Research)
and Member Secretary,
Near CIDCO Bus Stand, Chhatrapati Sambhajinagar,
Dist.Chhatrapati Sambhajinagar,

...Respondents

— — —

Mr. Chandrakant R. Thorat, Advocate for the Petitioner.

Mr. S.R. Yadav Lonikar, AGP for Respondent/State.

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

DATE : 12 AUGUST 2024

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

. Heard both the sides finally considering urgency expressed
by the petitioner.

2. This petition is directed against the judgment and order dated 18.07.2024 passed by the Scrutiny Committee, confiscating and invalidating the petitioner's tribe certificate of 'Mannervarlu' Scheduled Tribe. Petitioner seeks to rely on the validity certificates of his father Narayan, cousin uncle – Govind and cousin Shravani. It is submitted that Shravani was issued with validity certificate by the High Court in Writ Petition No.9204/2023.

3. Learned AGP supports the impugned judgment and order. He would submit that the genealogy produced by the petitioner showing relationship with Govind or Shravani is disputed. He would submit that the school record of Gangadhar and Nagmani was found to be incompatible. He would further submit that the Committee has rightly rejected the caste claim and there is no substance in the petition. The Committee has issued show caused notices to earlier validity holders and they are not cooperating.

4. The Scrutiny Committee did not express any suspicion about relationship of petitioner with the validity holders. The validity certificates were discarded because of suppression of material facts and Ramesh on whose validity, petitioner's father was banking on, was found to be not in relation. In case of Govind, he was found to have been issued validity certificate by the Committee comprising of Mr. V.S. Patil. Learned AGP is for the first time raising objection to the relationship of the

petitioner with the validity holders which cannot be countenanced. The Committee did not suspect the relationship.

5. In case of petitioner's father, there was vigilance inquiry and he was found to have with stood the affinity test. By a reasoned order, he was issued with validity certificate. Another validity holder Shravani was issued with validity certificate by orders of the High Court passed on 31.07.2023 in Writ Petition No.9204/2023. Both the validity holders were issued validities by following due procedure of law. There is no reason to discard the validities.

6. We have already assigned reasons in the matter of Shravani for holding the caste status by examining the selfsame record. We adopt same reasoning and course to issue validity certificate to the petitioner. The 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. We find that impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 18.07.2024 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.
- e. Petitioner's father – Narayan shall cooperate with the Committee for the re-verification.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE