



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

938 WRIT PETITION NO. 9139 OF 2024

**SARTHAK SANJAY SUREWAD THROUGH GUARDIAN
SANJAY GANGARAM SUREWAD**

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

939 WRIT PETITION NO. 9145 OF 2024

SHRIYA SAHEB SUREWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

AND

940 WRIT PETITION NO. 9153 OF 2024

SAKSHI RAMDAS SUREWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

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

...

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

DATE : 30 AUGUST 2024

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

1. Heard both the sides finally, considering urgency in the matters.
2. The petitioners are the blood relatives and claiming to be member of scheduled tribe 'Mannervarlu'. They are related *inter se*. Their tribe certificates are invalidated by distinct orders passed by the Scrutiny Committee on 20.08.2024 and 13.07.2024. Being aggrieved, present petitions are filed. As there is common record and genealogy, we propose to decide these matters together by common order.
3. Learned counsel for the petitioners submits that there are in all 18 validities in their family. He would point out genealogy to demonstrate that the validity holders are paternal side blood relatives. It is further contended that many of them are issued with validity certificates by orders of the High Court. Three such orders are placed on record. It is submitted that as the self same record has already been considered by the Scrutiny Committee as well as High Court on earlier occasions, the certificates of validity would enure to their benefit. He would submit that the petitioners are ready to run risk in view of *Shweta*

Balaji Isankar Versus State of Maharashtra and others, in Writ Petition No. 5611/2018, and therefore, they are entitled to receive validity certificates conditionally.

4. Learned AGP supports impugned judgments and orders. She would point out that the Scrutiny committee has rightly discarded the validity certificates because those were procured by suppression of material facts. She would further contend that the orders of invalidation in the matter of Govind Sambhaji Surewad, Kiran Dhondiba Surewad and Sangita Kisan Surewad, were not pointed out. As the school record of number of relatives of the petitioners was found to be incompatible with their tribe claims and manipulation of record was also noticed, the Committee is justified in rejecting their caste claims. It is further informed that the Committee has issued show cause notices to earlier validity holders and under these circumstances, no interference is called for in the impugned judgments and orders.

5. We have considered rival submissions of the parties. We have carefully perused genealogy produced by the petitioners. Pertinently, validity holder Sanjay is the father of one of the

petitioners i.e. Sarthak. Sanjay is also real uncle of petitioner Sakshi. Petitioner Shriya's father Saheb is also validity holder.

6. It reveals from record that Suchita Datta Surewad was issued with validity certificate by order dated 19.07.2019 passed in Writ Petition No. 13874/2018. Sayli Sahebrao Surewad was issued with validity certificate by order dated 24.07.2019 in Writ Petition 9060/2019. There is a common judgment and order in the matters of Sachin, Swapnil, Ambika, Datta, Shrikant and Shriniwas, passed by High Court on 10.08.2023. Besides that, one more order is pointed out, that of Vivek Ravikumar Surewad in Writ Petition No. 9845/2023 passed on 08.08.2023. The validity certificates are issued to above blood relatives by distinct orders and considering self same record. We have no hesitation to hold that the petitioners are also entitled to receive validity certificates, conditionally.

7. It is a trite law that order of invalidation would not be an impediment. We have also taken a consistent view in the matter of *Pallavi Versus Scheduled Tribe Caste Certificate Scrutiny Committee*, in Writ Petition No. 6022/2017 and *Bankam Balaji Maldode Versus State of Maharashtra and others*, in Writ Petition

No. 9047/2020, that the order of invalidation is an order in persona and not adverse as such.

8. So far as incompatible school record is concerned, it has been informed that show cause notices are issued to the validity holders. The Scrutiny Committee would be at liberty to consider the contrary record while determining as to whether there is a suppression of fact or fraud by concerned validity holders. Unless and until the validity certificates are revoked, the petitioners cannot be deprived of same social status. The petitioners are ready to run risk in view of *Shweta Balaji Isankar (supra)*. We find that impugned judgments and orders are unsustainable and, therefore, we pass following order :

ORDER

- i. Writ Petitions are allowed partly.
- ii. The impugned judgments and orders dated 20.08.2024 in Writ Petition No. 9139/2024, 13.07.2024 in Writ Petition No. 9145/2024 and 20.08.2024 in Writ Petition No. 9153/2024 are quashed and set aside.

iii. The respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificates of ‘Mannervarlu’ scheduled tribe to the petitioners which shall be co-terminus with the validity certificates of earlier validity holders.

iv. The petitioners shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]