



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

**1015 WRIT PETITION NO. 9314 OF 2024
PRACHI PRAKASHRAO KALEWAD
VERSUS**

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Golegaonkar Madhur A.
AGP for Respondents/State : Mr. S.P. Joshi

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**1016 WRIT PETITION NO. 9339 OF 2024
SNEHA SURESH KALEWAD
VERSUS**

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. Golegaonkar Madhur A.
AGP for Respondents/State : Mr. V.M. Chate

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

DATE : 03 SEPTEMBER 2024

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

. Heard both the sides finally as the petitioners want to pursue further education, taking benefit of validity certificates.

2. Both the petitioners are cousin sisters and they are challenging the distinct judgments and orders dated 05.08.2024 passed by the Scrutiny Committee, invalidating their Mannervarlu scheduled tribe certificates. They are relying on common record, genealogy and validities. We propose to decide both the petitions by common order.

3. Learned advocate for the petitioners submits that there are number of validities in the family. He would point out few orders granting validity certificates, passed by coordinate benches of High Court. He would submit that when selfsame record has already been examined on number of occasions, the Committee should have granted validity certificates on the ground of parity. It is further submitted that the petitioners are ready to face the consequence contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018.

4. Learned AGP supports impugned judgment and order. He would submit that the validities were issued to the members of the family overlooking incompatible school record of the close relatives and manipulation of school record. The revenue record of few relatives is contrary to the tribe claim. It is informed that the Committee has issued show cause notices to the validity holders. He would submit that this is not a fit case to grant validity to the petitioners.

5. We have considered the rival submissions of the parties. The petitioners are relying on the genealogy which is not disputed by the respondents. The blood relatives who are issued with validity certificates pursuant to the order of High Court are figuring in the genealogy. It reveals from the genealogy that the certificates of the validity are issued to different individuals across all branches.

6. The learned advocates for the petitioners has adverted our

attention to the common order issued by the coordinate bench on 16.10.2020 in the matters of Swati Sambhaji Kalewad, Sarvesh Baburao Kalewad, Satish Shankarrao Kalewad and Kiran Shankarrao Kalewad. So is the case with distinct orders passed by the High Court in the matter of Kanchan Shankarrao Kalewad; Sharada Sambhaji Kalewad; Ramchandra Sambhaji Kalewad and Sakshi Sanjay Kalewad. We are of the considered view that the validity certificates which were issued in pursuance of the order of the High Court, which are shown to us, would enure to the benefit of the petitioners.

7. It reveals that considering the selfsame record, the blood relatives of the petitioners were issued with the validity certificates. Unless those certificates are revoked, petitioners cannot be deprived of the same social status. The Committee has issued show cause notices to the earlier validity holders. At this juncture, we do not think it proper to comment upon the validity certificates. Though the record incompatible with the tribe claim is pointed out to us, it would be up to the Committee to examine the matter during reverification to find out as to whether it would amount to fraud or not. The petitioners cannot be made to wait till the decision of the reverification.

8. The petitioners are ready to face the consequence contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. They are entitled to receive validity certificates conditionally. The impugned

judgment and orders are liable to be quashed and set aside. We, therefore, pass following order.

ORDER

- (i) The writ petitions are allowed partly.
- (ii) The impugned judgments and orders dated 05.08.2024 passed by the respondent No.2/Scrutiny Committee are quashed and set aside.
- (iii) The respondent No.2/Scrutiny Committee shall issue caste validity certificates to the petitioners as belonging to 'Mannervarlu' Scheduled Tribe immediately in prescribed proforma.
- (iv) The validity certificates of the petitioners shall be co-terminus with reverification of the earlier validity holders.
- (v) The petitioners shall not be entitled to claim equities.
- (vi) Parties to act on authenticate copy of this order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]