



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

WRIT PETITION NO. 9423 OF 2024

Manasvi Santosh Bonlewad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri N. D. Batule, A.G.P. for the Respondent Nos. 1 and 2.

AND

WRIT PETITION NO. 9481 OF 2024

Ganesh Pandurang Bonlewad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri V. M. Chate, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 03 SEPTEMBER, 2024.

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

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

2. The petitioners in both the matters are blood relatives and they are relying upon common record. Therefore, both the writ

petitions are disposed of by this common order.

3. The tribe claims of the petitioners as belonging to 'Mannervarlu' (Scheduled Tribe) are rejected by the respondent No. 2/Scrutiny Committee by distinct orders passed on 27.08.2024. Being aggrieved by those orders, present petitions are filed.

4. The petitioners are relying on the validity certificates issued to Bhaskar Shivaji Bonlewad, Santosh, Anand and Ravikumar. Bhaskar is the first validity holder, who was issued with the validity certificate after following due procedure of law. The learned counsel for the petitioner submits that his validity certificate would enure to the benefit of the petitioners. It is further submitted that, unless and until the validities issued in the families are revoked, the petitioners cannot be discriminated and the Committee has erred in rejecting the tribe claims.

5. The learned Assistant Government Pleaders support the impugned judgments and orders. They would submit that the Committee is justified in discarding validity certificate of Bhaskar. It is rightly recorded that Bhaskar was issued with the validity certificate relying upon the validity issued to Shivaji Ganpatrao Bonlewad and Namdev Mashnaji, who were not the blood relatives. As Bhaskar's validity was obtained by suppression of material facts, especially contrary entries in the school record of close relatives, the Committee is justified in

discarding his validity certificate. It is contended that the Committee has issued show cause notices. It is further contended that the impugned judgments are plausible and reasonable and no interference is called for.

6. We have considered rival submissions of the parties. We have also gone through the genealogy. There is no dispute regarding relationship of the petitioners with the validity holders. Bhaskar is the first validity holder, who is from the branch of Shivaji. Santosh is father of petitioner Manasvi, who is holding certificate of validity. Similarly real uncle of petitioner Ganesh, namely Anand also holds validity certificate. It is matter of record that vigilance enquiry was conducted in the case of Bhaskar. Thereafter by a speaking order Bhaskar was issued with the validity certificate. Apparently, Bhaskar was issued with validity certificate after following due procedure of law. In view of judgment of the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in *2023 SCC Online SC 326*, the validity certificate is reliable and would enure to the benefit of the petitioners.

7. The Committee has discarded the validity certificate on the ground that Bhaskar was issued with the validity certificate relying on the validities of Shivaji and Namdeo, who were not found to be blood relatives. The vigilance report in the matter of Bhaskar indicates that the relationship of those validity holders

with Bhaskar was not suppressed. On the contrary, it was specifically mentioned that they were maternal side relatives. Bhaskar was not issued with the validity certificate merely due to validities of Shivaji and Namdeo, but other material was also taken into consideration. Therefore, we do not approve the submissions of the learned A. G. Ps. that at this juncture Bhaskar's validity cannot be relied upon.

8. It is informed that the Committee has issued show cause notice to the validity holders. The incompatible record which is pointed out by the learned A. G. P. can be taken care of during the course of reverification. The petitioners are ready to run the risk of facing consequences in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. The impugned judgments and orders are unsustainable. We are of the considered view that the petitioners are entitled to receive certificates of validities conditionally. We therefore pass following order.

ORDER

- (i) The writ petitions are allowed partly.
- (ii) The impugned judgments and orders dated 27.08.2024 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 the validity certificate of Bhaskar.

(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.]

bsb / Sept. 24