



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 WRIT PETITION NO. 9443 OF 2024

Shravan s/o Narsing Sunkawar,
Age 19 years, Occ. Education,
Through power of attorney holder
Narsing s/o Shankarrao Sunkawar.

... Petitioner

VERSUS

- 1) The State of Maharashtra
- 2) The Scheduled Tribe Caste Certificate
Verification Committee Kinwat,
Headquarter at Chh. Sambhaji Nagar,
Through its Dy. Director (R).

... Respondents

...
Advocate for the Petitioner : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents : Mr. N. D. Batule

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

DATE : 02.09.2024

PER COURT :

Heard both the sides finally, in view of the exigency of the petitioner.

2. The petitioner is challenging the order of invalidation passed by respondent no. 2-scrutiny committee refusing to validate his 'Mannervarlu' scheduled tribe certificate

3. The learned advocate for the petitioner submits that the petitioner's father was issued with a certificate of validity by following due process of law. A vigilance enquiry was conducted. Even affinity test was applied to which he could get through successfully. The petitioner is ready to run the risk of facing the consequences contemplated in the matter of *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017). Even if the committee has now decided to undertake reverification of father's validity, the petitioner cannot wait and he is ready to suffer the

consequences by having a conditional validity.

4. The learned advocate would further submit that the committee has referred to couple of entries of 1341 and 1349 Fasli, but has it no relevance inasmuch as there is no caste or tribe by name 'Telanga'. He would submit that even the so-called contrary record of his forefather Hushenna Buchenna stated to be cousin grandfather of 1955-1956 referred to him as 'Munnervar', which is not a tribe. Still the committee having made up its mind to undertake reverification of father's validity, let the committee may resort to it. But the petitioner be directed to issue with a conditional validity.

5. The learned A.G.P. submits that the committee has sound reasons to attribute fraud on the part of the petitioner's father and has decided to undertake a fresh scrutiny.

6. Having considered both the sides, when there cannot be any dispute about the fact that the petitioner's father issued with a certificate of validity by following due process of law as contemplated in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; 2023 SCC Online SC 326**, preceded by a vigilance enquiry and a reasoned order and even application of the affinity test, the petitioner is entitled to have a certificate of validity, however, in the peculiar circumstances conditionally.

7. The writ petition is allowed partly.

8. The impugned judgment and order is quashed and set aside. The respondent no. 2-scrutiny committee shall issue certificate of validity to the petitioner of '*Mannervarlu*' scheduled tribe, which shall be coterminous with the validity of his father.

9. The petitioner shall not be entitled to claim any equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-