



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

WRIT PETITION NO. 9656 OF 2024

Rushikesh Vinayakrao Kalewad Guardian
Vinayak Mahajan Kalewad .. Petitioner
VERSUS
The State of Maharashtra
Through its Secretary and another .. Respondents

AND

WRIT PETITION NO. 9658 OF 2024

Snehal Bhagwan Kalewad Through
Guardian Bhagwan Ramchandra Kalewad .. Petitioner
VERSUS
The State of Maharashtra
Through its Secretary and another .. Respondents

AND

WRIT PETITION NO. 9659 OF 2024

Shravani Baburao Kalewad Guardian
Babu Mahajan Kalewad ..Petitioner
VERSUS
The State of Maharashtra
Through its Secretary and another .. Respondents

AND

WRIT PETITION NO. 9660 OF 2024

Suhasini Shivraj Kalewad Under
Guardian Shivraj Bhaurao Kalewad .. Petitioner
VERSUS
The State of Maharashtra
Through its Secretary and another .. Respondents

AND
WRIT PETITION NO. 9661 OF 2024

Tushar Shivaji Kalewad Under
Guardian Shivaji Bhivaji Kalewad .. Petitioner
VERSUS
The State of Maharashtra
Through its Secretary and another .. Respondents

AND
WRIT PETITION NO. 9662 OF 2024

Sakshi Shivraj Kalewad .. Petitioner
VERSUS
The State of Maharashtra
Through its Secretary and another .. Respondents

Shri A. S. Golegaonkar, Advocate h/f. Mr. M. A. Golegaonkar,
Advocate for the Petitioner in all matters.
Shri P. S. Patil, Addl.G.P. for the Respondents/State in all
matters.

CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 SEPTEMBER, 2024.

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

. The petitioners are related *interse* and they stake claim to the Scheduled Tribe 'Mannervarlu'. Their tribe certificates are invalidated by distinct judgments and orders passed by the Scrutiny Committee on 28.08.2023/2024 (sic). They rely upon common genealogy and the material which was under consideration before the Committee. We, therefore, propose to decide these petitions by this common order. For the sake of convenience, we refer to the paper book of Writ Petition No. 9656

of 2024.

2. Heard both the sides finally as there is exigency for the petitioners.

3. The petitioners are aggrieved by confiscation and invalidation of their tribe certificates vide separate judgment and orders dated 28.08.2023/2024 (sic) passed by the respondent No. 2/Scrutiny Committee.

4. The learned counsel Mr. A. S. Golegaonkar appearing for the petitioners would submit that there are numerous certificates of validity issued in the family of the petitioners. For that purpose he would refer to genealogy. It is further submitted that in all the branches of the family validities are issued. He would refer to the validity certificates issued to the members of the family in pursuance of separate orders passed by the High Court. He would submit that the validities which are relied on, were issued after following due procedure of law and would corroborate their tribe claims. The petitioners are ready to run the risk 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.

5. Per contra, learned Additional Government Pleader would support the impugned judgments and orders. He would submit that the validities which are relied by the petitioners were

obtained by suppression of material facts. The Committee is justified in discarding the validities in view of incompatible school record and the manipulation of the school record discovered on the large scale. It is further submitted that one Kashinath Manikrao Kalewad was the first validity holder, banking on whose validity further validities were issued. His school record was found to be tampered and bogus. There was no proper enquiry when he was issued with the validity certificate. It is further informed that the Committee has issued show cause notices to the earlier validity holders.

6. We have considered the submissions of the parties. The genealogy which is shown by the petitioners indicate the names of the validity holders and their relationship with the petitioners. The respondents did not dispute the genealogy or the relationship. It is evident that numerous validity certificates are issued in the family of the petitioners. Following validity certificates are issued in pursuance of the orders of the High Court, which are placed on record :

Sr. No.	Name of the Validity holder	Writ Petition number	Date of Decision
01.	Kanchan Shankarrao Kalewad	W. P. No. 10370 of 2017	28.09.2017
02.	Ramchandra Sambhaji Kalewad	W. P. No. 7623 of 2018	24.07.2018
03.	Sharda Sambhaji Kalewad	W. P. No. 8828 of 2019	19.07.2019
04.	Swati Sambhaji Kalewad	W. P. No. 1713	16.08.2020

		of 2020	
05.	Sarvesh Baburao Kalewad	W. P. No. 1706 of 2020	16.08.2020
06.	Satish Shankarrao Kalewad	W. P. No. 1996 of 2020	16.08.2020
07.	Kiran Shankarrao Kalewad	W. P. No. 1986 of 2020	16.08.2020
08.	Rutuja Vinayak Kalewad	W. P. No. 2036 of 2020	23.10.2020
09.	Sakshi Sanjay Kalewad	W. P. No. 10577 of 2023	28.08.2023

7. There is no dispute that above referred validity holders are paternal side relatives and they are figuring in the genealogy. The petitioner - Rushikesh is the real brother of Rutuja, who was issued with validity certificate as mentioned in above table. The petitioner - Shravani is first degree cousin of validity holder Rutuja. The petitioner - Snehal is first degree cousin of validity holders Ramchandra and Swati, who are referred in above table. The petitioners - Suhasini and Sakshi are first degree cousins of validity holder Kiran. The petitioner - Tushar is the descendant of Manikrao's branch, in which validity holder Sakshi falls.

8. It is apparent that the self same record was pressed into service at different point of time while considering the tribe claims either before the Scrutiny Committee or the High Court. Unless the validities of earlier validity holders are revoked, the petitioners cannot be denied benefit of same social status. Though show cause notices are issued to the earlier validity

holders, it would take some time to arrive at a conclusion, till then the petitioners are entitled to receive conditional validities.

9. The learned Addl. G. P. strenuously pointed out incompatible school record and manipulation thereof. We cannot embark upon an enquiry so as to decide whether it is matter of suppression of facts or fraud in this case. It would be a matter of reverification to be done by the Committee. Only on the basis of the contrary and tampered record, the petitioners cannot be deprived of benefit of validity.

10. It is pointed out that Kashiram is the first validity holder. He was issued with the validity certificate on the basis of the school record which is found to be bogus. Relying on his validity certificate, validities were issued to other members of the family. We cannot comment on the validity certificate of Kashiram. Again, it would be upto the Scrutiny Committee to determine whether there was fraud in granting him validity.

11. The petitioners are ready to face consequences in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra). In that view of the matter impugned judgments and orders are unsustainable. The petitioners are entitled to receive validity certificates conditionally.

ORDER

- a) The writ petitions are partly allowed. The impugned orders are quashed and set aside. The petitioners are held entitled to receive the validity certificates as belonging to 'Mannervarlu' scheduled tribe in the prescribed format.
- b) Since the petitioner – Snehal Bhagwan Kalewad in Writ Petition No. 9658 of 2024 has been allotted a College, the committee shall ensure that the certificate of validity is issued to her during the course of the day.
- c) The validities shall be co-terminus with the validities of members facing reverification.
- d) The petitioners shall not claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb / Sept. 24