



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14772 OF 2017

Kumari Yashda d/o Rajesh Gattuwar
Age: 18 years, Occu.: Student,
R/o Kundalwadi, Tq. Biloli,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32,
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Region,
Aurangabad.
Through its Member Secretary.
3. The Sub Divisional Officer,
Biloli, Dist. Nanded.

.. Respondents

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Mr. A. S. Golegaonkar, Advocate for the petitioner.
Mrs. Kalpalata Patil Bharaswadkar, AGP for the respondents – State.

...

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

DATE : 15 JULY 2024

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

Heard both the sides finally.

2. Petitioner is challenging the judgment and order dated 27.10.2017 passed by the respondent No.2 – Scrutiny Committee confiscating and invalidating his tribe certificate of ‘Mannervarlu’ Scheduled Tribe.

3. Petitioner seeks to rely on the validity certificates of his father – Rajesh, real uncle - Devanna, second cousin uncles – Krishna, Suresh, Anup, Shailendra and Mahesh. Learned Counsel for the petitioner submits that in view of old school record of Siddhanna Damanna Gattuwar of the year 1953, which underwent scrutiny, petitioner would be entitled to validity certificate. It is further submitted that Mahesh Damanna Guttuwar, second cousin brother of the petitioner, was issued with validity certificate in pursuance of order passed by High Court.

4. Learned AGP supports impugned judgment and order. He would submit that considering the contrary entries and manipulation of the record of the paternal side relatives, the Scrutiny Committee is justified in rejecting the caste claim. It is further submitted that Committee has proposed to reopen validity certificate of the petitioner's father.

5. We have gone through relevant record. The genealogy which is placed on record shows relationship of the petitioner with the validity holders. It has not been disputed. Learned Counsel for the petitioner who has tendered a compilation on record during the course of argument showing order passed on 18.12.2023 in the matter of **Mahesh s/o Damanna Gatturwar Vs. District Collector, Nanded and another [Writ Petition No.14100 of 2023]**. Mahesh happens to be second cousin of the petitioner and he was issued with validity certificate by the intervention of the High Court.

6. Petitioner's father and real uncle were also issued with validity certificates. It reveals that petitioner's father was issued with validity certificate considering vigilance inquiry report. In view of this overwhelming record, we have no iota of doubt that she is entitled to receive validity certificate.

7. When selfsame record has already been scrutinized for granting validity certificate to the validity holders related to the petitioner, it is impermissible to deny the benefit of social status to her. When she is ready to run risk, in view of **Shweta Balaji Isankar Vs. The State of Maharashtra and others**, in Writ Petition No.5611 of 2018, she can be issued with the validity certificate conditionally.

ORDER

- I) Writ Petition is allowed partly.
- II) Impugned judgment and order is quashed and set aside.
- III) The respondent No.2/Scrutiny Committee shall issue tribe validity certificate of 'Mannervarlu' Scheduled Tribe to the petitioner forthwith and the same shall be subject to outcome of reverification, which is proposed by the Scrutiny Committee.
- IV) The petitioner shall not claim any equity.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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