



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10124 OF 2024

RUSHIKESH GOVIND YAMALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. A.S. Golegaonkar
h/f. Mr. M.S. Golegaonkar
AGP for Respondents : Mr. S.R. Yadav-Lonikar

...

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

DATE : 27.09.2024

PER COURT [*Shailesh P. Brahme, J.*] :

Being aggrieved by judgment and order dated 30.08.2024, passed by the Scrutiny Committee confiscating and invalidating the tribe certificate of the petitioner, present petition is filed. Reliance is placed on six validities issued in the family which are enlisted in paragraph no. 9 ground no. (II) of the memo of the petition. Petitioner's father and real sisters are amongst the validity holders.

2. Learned counsel for the petitioner submits that Sunita Balaji Yamalwad is the first validity holder who was issued with validity certificate by following due procedure of law but it was discarded arbitrarily. It is submitted that on the ground of parity petitioner is entitled to receive validity and he is ready to abide by ratio in *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018.

3. Learned AGP tenders on record original papers of first validity holder Sunita. He would oppose the submissions of the petitioner. He would submit that there is incompatible school record since 1966 that of Balaji Tukaram Yamalwad. The revenue record of 1954-55 is also inconsistent with the tribe claim. The reply of the petitioner to the vigilance report is not satisfactory as the petitioner even disputed relationship with Shankar Narayan who is seen in the genealogy. He would submit that no case is made out to interfere with the impugned judgment and order.

4. We have considered rival submissions of the parties. The validity certificates which are pressed into service are not disputed. They are paternal side relatives of the petitioner. Petitioner's father Govind and real sister Neha are amongst them. It is apparent that till their validities are intact, the petitioner is entitled to receive same social status.

5. We have gone through papers of first validity holder Sunita. A vigilance enquiry was conducted. By a reasoned order, she was issued with validity certificate by the Committee. Her certificate is reliable and it is rightly followed in the subsequent proceedings of the validity holders.

6. The Committee has issued show cause notices for the reverification. The incompatible school record can be taken into account by the Committee. Unless the earlier validities are revoked, the petitioner cannot be deprived of same social status. We do not accept the submission of learned AGP that Sunita's certificate was obtained fraudulently. It would be matter of

reverification. At this juncture, such a conclusion is not possible to be drawn.

7. The petitioner is ready to run risk in view of *Shweta Balaji Isankar* (supra). It is desirable to issue him the validity certificate by passing following order :

ORDER

- i. The writ petition is partly allowed.
- ii. The impugned judgment and order dated 30.08.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- iii. The respondent No. 2/Scrutiny Committee shall issue validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe immediately in prescribed proforma.
- iv. The validity of the petitioner shall be subject to outcome of the reverification undertaken by the respondent No. 2 of the validity holders.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]