



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

WRIT PETITION NO. 14283 OF 2021

Miss Viashanavi Ramesh Mundlod .. Petitioner

Versus

Scheduled Tribe Scrutiny Committee,
Aurangabad and others .. Respondents

Shri Ajay S. Deshpande, Advocate for the Petitioner.
Shri K. S. Patil, A.G.P. for the Respondent Nos. 1 and 2.
Shri S. K. Kadam, Advocate for the Respondent No. 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 JULY 2024.**

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

. Heard both the sides finally with their consent.

2. Petitioner is challenging judgment and order dated 05.08.2021 passed by the respondent No. 1/Scrutiny Committee confiscating and invalidating tribe certificate of the petitioner for the Scheduled Tribe 'Mannervarlu'.

3. Learned counsel Mr. Ajay Deshpande for the petitioner would submit that there are four validity holders in the family of the petitioner including her own biological father and uncles. He would submit that her uncle Suryakant was issued with the validity certificate after conducting vigilance enquiry and by reasoned order. He would refer to the genealogy, order of the

scrutiny committee in the case of Suryakant and old document of 15.04.1949 referred in the order of Suryakant. He also refers to the finding that affinity test was held in favour of Suryakant by the Scrutiny Committee.

4. Learned Assistant Government Pleader Mr. K. S. Patil for respondent Nos. 1 and 2 supports the impugned order. He would vehemently submit that on 24.06.2004 tribe certificate of Nagnath Poshetty Mundlod was invalidated, which was not taken into consideration and, therefore, validity certificates would not enure to the benefit of the petitioner. He would further submit that there are contrary entries of Sayanna, Laxman and Shankar. He would further submit that Committee has decided to reopen the validity certificates issued in the family of the petitioner. Learned A. G. P. has placed on record papers from file of Suryakant Sayanna Mundlod.

5. We have considered rival submissions of the parties. The genealogy has not been disputed by the respondents. It reveals that the petitioner's father Ramesh, her uncle Balaji and Suryakant were issued with the validity certificates on 15.02.2006, 03.08.2006 and 29.08.2002 respectively. Krushna and Saiprasad were issued with the validity certificate on 10.09.2008 and 18.10.2011. After invalidation of tribe certificate of Nagnath on 24.06.2004, four validity certificates were issued. The scrutiny committee did not enquire into these facts. When on the self same record father and uncles of the petitioner were issued with the validity certificates, then it would be

discriminatory to deny the validity certificate to the petitioner.

6. Order of the scrutiny committee in the matter of Suryakant reveals that he was issued with the validity certificate after vigilance enquiry. There is reference to old document of 15.04.1949 showing caste as Mannervarlu. The original file of Suryakant shows Urdu document and translated copy of the same. The scrutiny committee failed to conduct vigilance enquiry in respect of that document. Surprisingly, the document of 15.04.1949, which is having greater probative value has not been referred in the matter of the petitioner. No finding is recorded by the Committee in this regard.

7. We also notice that the Scrutiny Committee in the matter of Suryakant has recorded affinity test in his favour. Considering the validity certificates of father and uncles of the petitioner, we are of the considered view that the petitioner is entitled to validity certificate on certain conditions. We therefore pass following order.

O R D E R

- I. The writ petition is allowed partly.
- II. Impugned judgment and order dated 05.08.2021 passed by the respondent No. 1/Scrutiny Committee is quashed and set aside.
- III. The respondent No. 1/Scrutiny Committee shall issue

validity certificate to the petitioner for the Scheduled Tribe 'Mannervarlu' forthwith, which shall be subject to outcome of the reverification of the tribe certificates of earlier validity holders likely to be undertaken by the Scrutiny Committee.

IV. The petitioner shall not be entitled to claim equity.

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

bsb/July 24