



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

WRIT PETITION NO. 11287 OF 2024

Jayesh Ravsaheb Pallewad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.

Shri S. R. Yadav Lonikar, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 14 OCTOBER 2024.

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

. Heard both the sides finally considering exigency for the petitioner.

2. The petitioner is taking exception to the judgment and order dated 29.08.2024 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe certificate. He is relying on validities of his real brother Prasad, cousins Ashok and Govind.

3. The learned counsel for the petitioner submits that Ashok was the first validity holder. By following due procedure of law he was issued with the validity certificate. Banking on his validity Prasad and Govind were also issued with the validity certificates. Till the earlier validities are intact, the petitioner deserves to be issued with the validity certificate, albit,

conditionally.

4. The learned Assistant Government Pleader supports the impugned judgment and order. It is submitted that bogus school record was traced out, which was considered in the matter of Prasad. The genealogy given in the matter of first validity holder Ashok is inconsistent with genealogy given by the petitioner. It is submitted that incompatible school record was noticed. The school entries of petitioner's father and one Jayram were traced out which is fraud and no relief can be granted to the petitioner.

5. We have considered rival submissions of the parties. In case of Ashok, vigilance enquiry was conducted. The school record was verified. By a speaking order he was issued with the validity certificate. Thereafter in case of petitioner's brother Prasad again vigilance was conducted. The old record was verified. He could get through the affinity test. Thereafter he was issued with the validity certificate by a speaking order. Apparently, both these validities can be said to be issued after following due procedure of law and reliable.

6. During the vigilance in the present matter it was traced out that school record of the petitioner's father Raosaheb and uncle Jayram was bogus, which was produced in the matter of his brother Prasad. Even his grandfather's record was also found to be bogus. It reveals that the petitioner was not confronted with bogus school record of his father, uncle and grandfather through vigilance report. He was not given opportunity to deal

with the adverse record. Only while rejecting the tribe claim, the observations were recorded against him on the basis of school record of above relatives. This is against the principles of natural justice. This approach is against the law laid down by the Supreme Court in the matter of Sayanna Vs. State of Maharashtra and others reported in (2009) 10 SCC 268.

7. Unless earlier validities are revoked, the petitioner cannot be deprived of same social status. The committee can consider incompatible school record or the bogus school entries during the reverification. The petitioner is ready to run the risk of facing consequences 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**. It is desirable to issue him validity certificate conditionally. We, therefore, pass following order.

O R D E R

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order dated 29.08.2024 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 certificate of the petitioner shall be subject to

outcome of reverification undertake by the committee of the earlier validity holders.

(v) The petitioner shall not be entitled to claim equities.

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

bsb/Oct. 24