



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

WRIT PETITION NO. 11363 OF 2024

MANDAR VENKATRAO MARAKWAD

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND ANOTHER**

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Advocate for Petitioner : Mr. C.R. Thorat
AGP for Respondents/State : Mr. S.R. Yadav Lonikar

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

DATE : 10 OCTOBER 2024

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

1. Heard both sides finally considering exigency in the matter.

2. The petitioner is challenging judgment and order dated 09.10.2024 passed by the Scrutiny Committee, confiscating and invalidating his tribe certificate of 'Mannervarlu' scheduled tribe. He is relying on validity certificates of Nivrutti Bapunna Marakwad, Sanket Hausaji Marakwad and Tejas Hausaji Marakwad. There are other validities also issued in his family.

3. Learned Counsel for the petitioner submits that the above referred blood relatives were issued with validity certificates after following due procedure of law and they would enure to his benefit. It is further submitted that the revenue record indicates relationship of the petitioner with the validity holders. Learned Counsel submits

that unless the earlier validities are revoked, petitioner cannot be deprived of same social status. The petitioner is ready to face the consequences as contemplated in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018.

4. Learned AGP supports impugned judgment and order. He tenders on record original papers of the petitioner as well as first validity holder – Nivrutti. He would vehemently submit that the genealogy given by the petitioner in the present matter is inconsistent with the genealogy traced out by the vigilance Cell and that was before the Committee in the matter of Nivrutti. There is no relationship between the petitioner and the other validity holders because they are from different branches.

5. We have considered the rival submissions of the parties and also gone through the original record. In the matter of Nivrutti, vigilance inquiry was conducted and by speaking order he was issued with validity certificate. We have gone through the genealogy given by Nivrutti, in his matter and the genealogy given by the petitioner before the Committee. Nivrutti and other validity holders can be seen in the genealogy and they are paternal side relatives.

6. The 7/12 extract of Survey No.66 produced on record has not dealt with by the Committee. It bears names of persons who belong to different branches. It can be easily made out that branch of the petitioner is related to other branches of the family. We, therefore, do not approve the submission of learned AGP that petitioner is not

related to other validity holders.

7. It is a matter of record that Sanket was issued with validity certificate in Writ Petition No.8867/2019 vide order dated 03.11.2020. Tejas was issued with validity certificate pursuant to the order dated 01.08.2019 in Writ Petition No.8866/2019. These validities were issued by following due procedure of law. The Committee did not take into consideration these validities though petitioner had produced them before the Committee. The Committee failed to appreciate relevant record which is nothing but perversity.

8. The Committee has issued show cause notices to earlier validity holders. The petitioner is entitled to receive conditional validity. He is ready to face to face the consequences as contemplated in view of Shweta Balaji Isankar (supra). We find that impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order is quashed and set aside.
- iii. Respondent no.2/Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed proforma.
- iv. The validity certificate of the petitioner shall be subject to the

outcome of the reverification to be undertaken by the Scrutiny Committee of the validity holders.

- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..