



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11752 OF 2024

BHARAT S/O. SURESH NAGAMWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. S.S. Phatale

Addl. GP for Respondents : Mr. P.S. Patil

...

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

DATE : 21 OCTOBER 2024

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

Heard both the sides finally considering urgency in the matter.

2. The petitioner is aggrieved by judgment and order dated 10.10.2024 passed by the Scrutiny Committee, invalidating his certificate of 'Mannervarlu' scheduled tribe. He is relying on numerous validities issued in the family. He has placed on record various orders passed by the co-ordinate benches of High Court granting validities to his blood relatives. He is ready to face the consequences as per *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018. It is, therefore, prayed that conditional validity be issued to him.

3. Learned AGP supports impugned judgment and order. He would submit that during the course of vigilance incompatible school record was traced out which was suppressed in the matters of earlier validity holders. Without conducting due verification,

they were issued with validity certificates. The Committee has issued show cause notices to the earlier validity holders. Therefore, this is not a fit case to grant any relief on the ground of parity.

4. We have considered rival submissions of the parties. We have gone through the genealogy which is placed on record at page no. 54.

5. The respondents do not dispute the relationship of the petitioner with the validity holders. The genealogy shows that almost in every branch there are validity holders. The family members of the petitioner have been issued with validity certificates either by the Committee or pursuant to the orders of High Court.

6. The petitioner has placed on record the orders passed in following matters of the blood relatives who have been issued with validity certificates :

Sr. No.	Petition No.	Party Name	Order Date	Relation
1.	Writ Petition No. 2640 of 2023	Sampada D/o. Sunil Nagamwad	09/03/2024	Cousin Sister
2.	Writ Petition No. 7532 of 2018	Samiksha D/o. Sanjay Nagamwad	23/07/2018	Cousin Sister
3.	Writ Petition No. 13909 of 2018	Saujanya Sanjay Nagamwad	14/12/2023	Cousin Sister
4.	Writ Petition No. 9653 of 2023	Pritee Shivajirao Nagamwad Krusha Shivaji Nagamwad	08/10/2023	Cousin Sister & Cousin Brother

7. With the assistance of learned counsel for the parties, we have verified that above validity holders are figuring in the genealogy. It further reveals that there was common vigilance

report in the matter of petitioner and others. Sampada Sunil Nagamwad is one of them, who was issued with validity certificate in pursuance of order dated 09.03.2024 passed by the co-ordinate bench in Writ Petition No. 2640/2023. It is evident that self same record was considered in the matter of Sampada. We are of the considered view that the petitioner is entitled to receive validity certificate on the ground of parity.

8. The Committee has undertaken exercise of reverification. The incompatible school record can be considered during the said enquiry. The petitioner is ready to face the consequences as per *Shweta Balaji Isankar* (supra). Under these circumstances, we find that the petitioner deserves to be issued with validity certificate, conditionally. We, therefore, pass following order :

ORDER

- i. The Writ Petition is allowed partly.
- ii. The impugned judgment and order dated 10.10.2024 is quashed and set aside.
- iii. Respondent no. 2 – Scrutiny Committee shall immediately issue validity certificate to the petitioner as belonging to ‘Mannervarlu’ scheduled tribe, which shall be co-terminus with the earlier validities issued in the family.
- iv. The petitioner shall not claim equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]