



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

WRIT PETITION NO. 13077 OF 2023

Aryan Rajesh Kamtamkar and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Sunil M. Vibhute, Advocates for the Petitioners.

Shri D. R. Korde, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 22 JULY 2024.

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

. Heard both sides finally.

2. Petitioners are cousins, whose tribe certificates for Scheduled Tribe 'Mannervarlu' have been confiscated and invalidated vide judgment and order dated 04.10.2023 passed by the respondent No. 2/Scrutiny Committee and they are before this Court. They would rely on validity certificate of Rajesh Chotelal Kamtamkar, who is father of the petitioner No.1. According to the petitioners, self same record was considered by the Scrutiny Committee including contra entries and validity certificate was issued to Rajesh, which would enure to the benefit of the petitioners.

3. Learned Assistant Government Pleader supports impugned

judgment and order. He would submit that there are contra entries of Kiran, Suryaprakash, Chandraprakash and the manipulation in the record of Rajeshkumar, Suryaprakash and Chotelal. He would point out the adverse record from the original files of petitioners and Rajesh. According to him the scrutiny committee has rightly rejected tribe claims of the petitioners.

4. We have considered rival submissions of the parties and we have gone through original papers of the petitioners and validity holder, Rajesh. We notice that there was vigilance enquiry in the matter of Rajesh Chotelal Kamtamkar. A report to that effect which is on record indicates consideration of contrary record of Chotelal. He was issued with validity certificate by speaking order. We find that he was issued with the validity certificate by due procedure of law and the validity certificate is reliable.

5. We have considered the contrary and alleged manipulated entries of the relatives of the petitioners from the original record. In case of Suryaprakash and Chandraprakash, the caste appears to have been recorded as Telgu, but Telgu is not a caste. We are also shown contrary entries of Kiran indicating him as Hindu, but it is a religion and is not a caste. We have also gone through the photo copies of school record of Rajeshkumar, Rakeshmukar and Suryaprakash. We do not notice any glaring manipulation.

6. Once the scrutiny committee has granted validity certificate to Rajesh Chotelal and same has not been revoked as

yet, there is no point in denying its benefit to the petitioners.

7. Learned A. G. P. submits that the Committee has proposed to undertake reverification of validity certificate of Rajesh. The petitioners are ready to abide by the conditions as contemplated 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**. We are of the considered view that the impugned judgment and order is unsustainable. We therefore pass following order :

O R D E R

- A) The writ petition is partly allowed.
- B) The impugned order dated 04.10.2023 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C) The respondent No. 2 - committee shall immediately issue tribe validity certificate to the petitioners as belonging to 'Mannervarlu' scheduled tribe in the prescribed proforma without adding anything. The validity shall be subject to outcome of the matters which the committee has decided to re-open.
- D) The petitioner shall not be entitled to claim equities.

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

bsb/July 24