



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

Writ Petition No. 13899 OF 2023

1. Niraj s/o Vyankati Papulwar,
Age 22 years, Occu. Education,
R/o Bachoti, Tq. Kandhar,
Dist. Nanded.
2. Nilesh s/o Vyankati Papulwar,
Age 27 years, Occu. Education,
R/o Bachoti, Tq. Kandhar,
Dist. Nanded.
3. Nikhil s/o Vyankati Papulwar,
Age 24 years, Occu. Education,
R/o Bachoti, Tq. Kandhar,
Dist. Nanded.
4. Vaishnavi d/o Vyankati Papulwar,
Age 20 years, Occu. Education,
R/o Bachoti, Tq. Kandhar,
Dist. Nanded.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter at Aurangabad,
Through its Member Secretary,
Dist. Aurangabad.

...Respondents

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Mr. Sunil M. Vibhute, Advocate for the Petitioners.

Mr. Sarang P. Joshi, AGP for Respondents/State.

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

DATE : 23 JULY 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard both the sides finally at the admission stage.

2. The petitioners are siblings and they are challenging judgment and order dated 05.10.2023 passed by the Scrutiny Committee, confiscating and invalidating their tribe certificates of Mannervarlu scheduled tribe. They seek to rely on validity certificate of their father, Vyankati Rajaram Papulwar.

3. Learned Counsel for the petitioners submits that the father of the petitioners was issued with validity certificate after following due procedure of law. He would submit that the Committee has committed perversity in relying on invalidation of Sahebrao Limbajirao Papulwar who is not related to the petitioners. It is further submitted that in the matter of their father – Vyankati, the selfsame record was scrutinized and therefore petitioners cannot be denied the same social status.

4. Learned AGP tenders on record papers of Vyankati Rajaram Papulwar. While supporting impugned judgment and order, he would submit that the school record of Baban, Anjana and

Rajaram was found to be incompatible. The school record of father of the petitioners is manipulated one. The Committee has proposed to undertake re-verification. Hence he would urge to dismiss the petition.

5. We have considered the rival submissions of the parties and also perused the original papers of Vyankati. We find that there was vigilance inquiry in the matter of Vyankati. He was issued with validity certificate by a reasoned order on 29.04.2011. The Committee had found compatible record of Balaji, Prabhavati, Gangadhar etc. The validity certificate was issued after following due procedure of law and would enure to the benefit of the petitioners.

6. It reveals from record that the petitioners had filed reply to the vigilance report denying any relationship with Sahebrao Limbajirao Papulwar. The Committee did not consider reply of the petitioners and relied on the invalidation of Sahebrao. This amounts to perversity. No endeavour has been made to demonstrate relationship of Sahebrao with the petitioners. We are of the considered view that unless the validity certificate of Vyankati is cancelled, the petitioners cannot be deprived of the benefit of the same social status. The impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- a. The common judgment and order dated 05.10.2023 passed by the Scrutiny Committee is quashed and set aside.

- b. The Scrutiny Committee shall issue tribe validity certificates of 'Mannervarlu' Scheduled Tribe to the petitioners forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- c. The petitioners shall not be entitled to claim equities.
- d. Writ Petition is allowed partly in the above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE