



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

WRIT PETITION NO. 15435 OF 2023

1. Jagdish S/o Rameshwar Bhutte
2. Jayshri D/o Rameshwar Bhutte .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioners.
Shri K. N. Lokhande, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 04 JULY 2024.**

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

- . Heard both the sides finally at the admission stage.
2. Petitioners are challenging common judgment and order dated 16.08.2019 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating their tribe certificates for 'Mannervarlu' (Scheduled Tribe).
2. They are relying on validity certificates granted to Supriya, Vaishnavi and Ganesh by orders of High Court. Those orders are also placed on record.
3. Learned counsel for the petitioners submits that in all there are seven validity holders in the family of the petitioners.

He would refer to genealogy. He would also refer to validity certificate granted to father of the petitioners Rameshwar Bhutte.

4. Learned Assistant Government Pleader supports impugned judgment and order. He would submit that school record of the relatives of the petitioners is not compatible with their claims. It is further submitted that Committee has decided to reopen validity certificates of the relatives upon which reliance is placed. The Committee has issued show cause notices to them.

5. We have gone through the genealogy to ascertain relationship of the petitioners with validity holders who are granted validity certificates by the intervention of the High Court. Although genealogy does not refer to names of Supriya, Vaishnavi and Ganesh, siblings of Pralhad, the committee has not raised any doubt regarding the relationship. We have ascertained the relationship from the original papers produced by the learned A. G. P. We find that the validity certificates of Supriya, Viashnavi and Ganesh are reliable. Even father of the petitioners was also issued with validity certificate after following due procedure of law. It would also enure to the benefit of the petitioners.

6. The Scrutiny Committee committed grave error of jurisdiction in discarding clinching evidence of validity certificates relied upon by the petitioners. Impugned judgment and order is unsustainable and liable to be quashed and set

aside.

7. We pass following order.

O R D E R

(I) Impugned common judgment and order dated 16.08.2019 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

(II) The respondent No. 2/Scrutiny Committee shall issue validity certificate of 'Mannervarlu' (Scheduled Tribe) to the petitioners immediately.

(III) Validity certificates shall be subject to outcome of the decision of reverification of the validity holders to whom the notices are issued.

(IV) Petitioners shall not claim any equity.

(V) Writ petition is disposed of.

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

bsb/July 24