



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

WRIT PETITION NO.734 OF 2025

Amol s/o Gangadhar Pallewad,
Age 27 years, Occu. Education,
R/o Godamgaon, Taluka Naygaon,
District Nanded.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Head Office Chhatrapati Sambhajanagar.
Through its Member Secretary.

...RESPONDENTS

...
Shri Deepak D. Chaudhari, Advocate a/w Shri Vijay G.
Gangalwad, Advocate for the Petitioner.
Ms. P.J. Bharad, AGP for Respondent Nos.1 to 2/State.

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**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 16th January, 2025.

JUDGMENT (Prafulla S. Khubalkar, J.) :-

Heard.

2. Rule. Rule made returnable forthwith and heard

finally by the consent of the parties.

3. The petitioner takes exception to the order dated 08.01.2025 passed by respondent No.2 Scrutiny Committee invalidating his claim for 'Mannervarlu', Scheduled Tribe.

4. Advocate Shri Chaudhari for the petitioner has submitted that the impugned order is unsustainable since the Scrutiny Committee has failed to appreciate that the petitioner's first cousin Devidas Vasant Pallewad had been granted validity pursuant to the order dated 26.05.2009 passed by the Scrutiny Committee at Chhatrapati Sambhajinagar. It is submitted that Devidas Vasant Pallewad is the first cousin of the petitioner which fact is demonstrated on the basis of the affidavit of genealogy filed on record in support of the tribe claim. It is vehemently argued that in view of this validity, the petitioner's claim ought to have been validated. In support of his submissions, the vigilance enquiry report in the matter of Devidas and the order dated 26.05.2009 passed by the Scrutiny Committee are filed on record.

5. Advocate Ms. P.J. Bharad, the learned AGP for the respondents, has vehemently opposed the petition by contending

that no reliance can be placed on the validity of Devidas in view of the discrepancy in genealogies submitted by Devidas in support of his tribe claim. She strenuously submitted that Devidas had claimed close relationship with another validity holder Babarao Narayan Pallewad, however, they are not related. She has submitted that on comparative study of genealogy as submitted by the petitioner and that of Devidas, it becomes clear that Devidas had submitted wrong genealogy only to claim benefit of validity in favour of Babarao Narayan Pallewad. By pointing out the affidavit of Devidas and the statement of Babarao as referred in the impugned order, it is submitted that the validity of Devidas cannot be relied upon for claiming any benefit by the petitioner.

6. We have considered rival contentions and perused the original record as made available by the respondents.

7. The Scrutiny Committee has invalidated the petitioner's claim observing that the petitioner has failed to establish his claim on the basis of documentary evidence as well as on account of failure in affinity test. After quoting genealogy tree of the family members of the petitioner, the Scrutiny

Committee has observed that there is variance in the genealogies submitted by the paternal side relatives of the petitioner and, therefore, even though the validity is granted to the petitioner's cousin brother Devidas Vasant Pallewad, the petitioner's claim cannot be entertained.

8. It is crucial to note that the Scrutiny Committee at Chhatrapati Sambhajinagar had passed a reasoned order in the matter of Devidas and by referring to the documents submitted by him, the Scrutiny Committee had observed that in view of documentary evidence produced on record and by relying upon the vigilance report in the matter of Devidas, he was entitled for grant of validity certificate. It has to be noted that the vigilance report in the matter of Devidas is in his favour in which, it is observed by the Research Officer that cultural traditions and customs as narrated by the candidate match with the tribe Mannervarlu. It has to be noted that by relying upon the vigilance cell report in the matter of Devidas, the Scrutiny Committee has validated his tribe claim. It is pertinent to note that this order in the matter of Devidas is in force.

9. The petitioner has relied upon the validity of

Devidas. There is no dispute about relationship of the petitioner with Devidas being his first cousin brother. Despite strong opposition by the respondents about reliance on the validity of Devidas on account of variance in the names of persons in the genealogy, fact remains that Devidas has got validity in his favour which is in subsistence. The petitioner being cousin brother of Devidas, is entitled to take benefit of the said validity.

10. In view of the submissions of the learned AGP raising questions on the validity of Devidas, although there is possibility of reopening the matter of Devidas, same cannot be a hurdle in the matter of deciding the petitioner's claim as on today.

11. In view of the above, the instant petition needs to be decided in view of the order passed by the Scrutiny Committee in favour of Devidas Vasant Pallewad and the consequent validity certificate. Hence, the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned order dated 08.01.2025 passed by respondent No.2 Scrutiny Committee is quashed and set aside.

(c) Respondent No.2 Scrutiny Committee is directed to immediately issue validity certificate of 'Mannervarlu', Scheduled Tribe, in favour of the petitioner.

(d) The validity certificate to be issued to the petitioner, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.

(e) The petitioner shall not be entitled to claim equities.

(f) No order as to costs.

12. Rule is made absolute in the above terms.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)