



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5377 OF 2022

Ashvini Dattatraya Gopwad

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....
Mr. M.A. Golegaonkar, Advocate a/w Mr. Manish Paithane and Mr. Sagar
Madake, Advocates for petitioner
Mr. S.B. Pulkundwar, A.G.P. for respondents
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CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : 07th AUGUST, 2025

PER COURT :

. Heard.

2. The petitioner claims to have belonged to 'Mannervarlu' Scheduled Tribe. She has completed graduation and now been selected as Assistant Professor. She requires validity certificate of her tribe claim. Respondent No.2 – scrutiny committee did not grant validity to her tribe claim. She is, therefore, before us in this writ petition.

3. Since the submission made by learned counsel for the petitioner may be our reasons in support of this order, we do not advert thereto at this stage.

4. Learned A.G.P. would, on the other hand, submit that the relationship of the petitioner with those, who hold the validity certificates, has not been clinchingly proved. The school record of the petitioner's father, her uncle and other relations are found to have interpolated. Moreover, there are some contra entries as regards school record of the petitioner's father, aunt and uncle as well. In the said record, their caste/tribe has been noted as 'Munnerwar' and 'Munner', which are in Special Backward Category. He would further submit that in the proceeding for validation of the tribe claim of Shivkumar, the records in the case of Vijay s/o Hanmant Gopwad and Shobha d/o Narsing Gopwad have been relied on. He adverted our attention to the statements of Sahebrao and Hanmant recorded in the said proceeding. These two persons, in their statements, have specifically not stated that their forefather i.e. grand-father - Jayram had any brother, by name Limbaji. According to him, the same indicates that Shivkumar tried to forge relation with the branch of Jayram, who was noway related to his grandfather – Limbaji. According to him, it was nothing short of misrepresentation and fraud. The same might have escaped the attention of the scrutiny committee. According to him, the issue of relationship may be kept open if the Court is inclined to grant the petitioner herein conditional validity.

5. We have considered the submissions advanced. The petitioner's siblings – Shivkumar and Priyanka have been granted validity certificates by the scrutiny committee. Shivkumar has relied on the validity certificates

issued in favour of his cousin relation from the branch of Jayram viz. Vijay and Sahebrao. It is true, in their statements referred by learned A.G.P., they did not claim any relationship with great grandfather of Shivkumar. Their statements did not indicate that Jayram had any brother, by name Limbaji. Learned A.G.P. might be true in submitting that Shivkumar might have tried to forge relationship with the branch of Jayram. It is a question of fact. The persons in whose favour the validity certificates are granted, are not before this Court. They are, therefore, unable to meet the submissions advanced by learned A.G.P. It is also true that in case of Shivkumar, no independent vigilance enquiry did take place. The enquiry committee simply relied on the vigilance committee report in support of Sanjay, Vijay, Laxmikant and Sahebrao to grant validity certificates to the siblings of the petitioner viz. Shivkumar and Priyanka. It is however not a case of obvious fraud to act upon. It is informed that the scrutiny committee has now issued notices so as to reopen the cases of Shivkumar and Priyanka.

6. In our view, as Shivkumar and Priyanka, real brother and sister of the petitioner herein hold validity certificates, she needs to be granted validity certificate on the condition that validity to remain intact until validity of her siblings viz. Shivkumar and Priyanka holds the field.

7. Needless to mention, the scrutiny committee should wond into every aspect of relationship tried to be forged by Ashvini i.e. the petitioner

herein through the claim of Shivkumar and Priyanka, who claim to have relationship with the validity holders, Sahebrao and Vijay.

8. At the cost of repetition, it is observed that since real brother and sister of the petitioner hold validity, we are inclined to grant the petitioner validity certificate conditionally. Hence, the following order :-

ORDER

- (I) Writ petition is partly allowed.
- (II) Impugned order dated 07th April, 2022 passed by Respondent No.2 – Scrutiny Committee, thereby refusing to grant the petitioner validity certificate as regards her claim of Mannervarlu Scheduled Tribe, is hereby set aside.
- (III) Respondent No.2 – Scrutiny Committee shall issue the petitioner validity certificate of Mannervarlu Scheduled Tribe within a period of one week.
- (IV) The validity certificate to be issued to the petitioner shall remain in force until validity of certificates of her siblings viz. Shivkumar and Priyanka and other relations viz. Sahebrao and Vijay are intact.
- (V) Parties to act upon authenticated copy of this operative order.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD