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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4448 OF 2005
WITH
CIVIL APPLICATION NO.2984 OF 2006
WITH
CIVIL APPLICATION NO.13684 OF 2015

Surekha Babanrao Puranwad,
Age- ... years, Occu-Service,
R/o Nandkheda, Dist.Parbhani,
At present r/o Ambajogai,
Tal.Ambajogai, Dist. Beed

-- PETITIONER

VERSUS

1. State of Maharashtra,
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 400032
2. The Scheduled Tribe Caste
Certificate Verification Committee,
Through its Chairman / Director,
Aurangabad Division, Aurangabad
3. The Taluka Executive Magistrate,
Parbhani,
4. The Collector,
Collectorate,
Parbhani
5. Swami Ramanand Teerth Rural Hospital
and Medical College, Ambajogai,
Dist. Beed

-- RESPONDENTS

Mr.A.S.Golegaonkar, Advocate for the petitioner.
Mr.S.V.Hange,AGP for the respondent/State.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

Date : 27.02.2025

ORAL JUDGMENT : (Per Prafulla S.Khubalkar, J.)

1. The Petitioner has filed CA No.13684/2015 for amendment, alongwith 2 documents, namely validity certificates of her real brother and cousin brother. The documents are material for deciding the instant petition. Hence the civil application is allowed.

2. The instant petition was admitted by order dated 08.06.2006 with interim relief in favour of petitioner. Matter is taken up for final hearing.

3. The petitioner has assailed order dated 24.02.2005 passed by respondent No.2 / Scrutiny Committee invalidating her claim for 'Mannervarlu' Scheduled Tribe. The Committee has observed that the petitioner has failed to establish her claim on the basis of documentary evidence as well as failed to prove affinity with Mannervarlu Scheduled Tribe.

4. The learned Advocate for the petitioner has vehemently argued that the Committee has adopted an erroneous approach and wrongly discarded the documents and validity certificates of close blood relatives. The learned Advocate for the petitioner has adverted our attention to validity certificate dated 28.07.2008 in favour of real brother of petitioner Uttam Baban Puranwad and another validity certificate dated 26.05.2008 in favour of petitioner's real paternal cousin Balu Ganeshrao Puranwad. It is submitted that in view of these validity certificates, the petitioner is entitled for validation of her claim.

5. The learned AGP for the respondent/State has opposed the petition and justified the impugned order. He has submitted that the Committee has rightly invalidated the claim in view of the documents showing entry as 'Maratha' and 'Mannervarlu-Kolam'. It is submitted that the petitioner was required to establish her claim independently, and having failed to discharge the burden, has to face the invalidation.

6. We have considered the rival contentions and perused the papers. We have also perused the original file in the matter of Sarika

Babanrao Puranwad, made available by the Scrutiny Committee.

7. The petitioner has relied upon validity in favour of her real brother Uttam Puranwad, who was granted validity on the basis of validity of real sister Sarika Baban Puranwad. It has to be noted that the petitioner's cousin brother Balu Ganesh Puranwad was also granted validity on the basis of Vigilance Cell enquiry and a reasoned order in his matter. Perusal of original file of Sarika Puranwad reveals that her claim was validated on the basis of vigilance enquiry and by a reasoned order.

8. In view of validation of claims of Uttam and Sarika by following due procedure in that after Vigilance Cell enquiry and by a reasoned order, the petitioner is entitled to derive their benefit in view of the Law laid down in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others, Civil Appeal No.2502/2022 (AIR 2023 SC 1657 = (2023) 3 S.C.R. 1100).**

9. Hence, we pass the following order :

[a] The impugned order dated 24.02.2005 passed by the respondent No.2 / Committee is quashed and set aside.

[b] Respondent No.2 / Committee is directed to immediately issue certificate of validity of 'Mannervalu' Scheduled Tribe to the petition, in the prescribed proforma.

[c] Rule is made absolute in the above terms. Civil applications stand disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)