



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

WRIT PETITION NO.9366 OF 2023

Vitthal Sayanna Buchalwar,
Age : 51 years, Occ : Service,
R/o Sagroli, Tq. Biloli,
Dist. Nanded.

...PETITIONER

-VERSUS-

1. State of Maharashtra.
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Headquarter at Aurangabad.
Dist. Aurangabad.
Through its Member Secretary.
3. Vidya Prasarini Sabha High School,
Purna, Tq.Purna, Dist. Parbhani.
Through its Headmaster.

...RESPONDENTS

**WITH
WRIT PETITION NO.9382 OF 2023**

Ashok Gangaram Buchalwar,
Age : 46 years, Occ : Service,
R/o Sagroli, Tq. Biloli,
Dist. Nanded.

...PETITIONER

-VERSUS-

1. State of Maharashtra.

Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Headquarter at Aurangabad.
Dist. Aurangabad.
Through its Member Secretary.
3. Shri Chatrapati Shivaji High School,
Sharda Nagar, Sagroli, Tq. Biloli,
District Nanded.
Through its Headmaster.

...RESPONDENTS

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Shri Sagar S. Phatale, Advocate for the Petitioners.
Ms.S.S. Joshi and Shri V.M. Kagne, AGPs for Respondent Nos.1
and 2/State in the respective petitions.
Shri S.B. Chaudhari, Advocate for Respondent No.3 in
WP/9366/2023.
Shri G.V. Mohekar, Advocate for Respondent No.3 in
WP/9382/2023.

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

DATE : 30th January, 2025.

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

Heard.

2. Rule. Rule made returnable forthwith and heard

finally by the consent of the parties.

3. The petitioners have challenged the order dated 06.04.2023 passed by respondent No.2 Scrutiny Committee invalidating their tribe claim for 'Mannervarlu', Scheduled Tribe.

4. The impugned order of the Scrutiny Committee is common order in the matters of six persons, namely, Vedant Ratan Buchalwar, Gajanan Buchanna Buchalwar, Rakshada Buchanna Buchalwar, Sudhakar Ramesh Buchalwar, Ashok Gangaram Buchalwar (petitioner in Writ Petition No.9382/2023) and Vitthal Sayanna Buchalwar (petitioner in Writ Petition No.9366/2023).

5. The impugned order was subject matter of challenge in Writ Petition No.9531/2023 filed by Vedant, Sudhakar, Gajanan and Rakshada Buchalwar referred above. By judgment and order dated 09.08.2023, the impugned order was quashed and set aside to the extent of those petitioners and, accordingly, the instant petitions need to be decided by adopting the same course.

6. For the reasons recorded in judgment and order

dated 09.08.2023 in Writ Petition No.9531/2023 (supra), these petitions need to be partly allowed. Hence, the following order:-

- (a) The Writ Petitions are partly allowed.
- (b) The impugned order dated 06.04.2023 passed by respondent No.2 Scrutiny Committee is also quashed and set aside to the extent of the petitioners herein.
- (c) Respondent No.2 Scrutiny Committee is directed to immediately issue validity certificates of 'Mannervarlu', Scheduled Tribe, in favour of the petitioners.
- (d) The validity certificates to be issued to the petitioners, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.
- (e) The petitioners shall not be entitled to claim equities.
- (f) No order as to costs.

7. Rule is made absolute in the above terms.