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

WRIT PETITION NO.756 OF 2025

Bhimrao Govindrao Parodwad,
Age: 49 years, Occu: Service
Residing at At Post. Jangamwadi,
Tal. Kandhar, Dist. Nanded

....PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 400 032
2. Scheduled Tribe Caste Certificate
Scrutiny Committee, Kinwat Division,
through its Member Secretary
having its office at CIDCO centre
Chhatrapati Sambhaji Nagar,
Dist. Chhatrapati Sambhaji Nagar
3. Dr. Shankarrao Chavan Govt.
Medical College and Hospital,
Nanded, through its Dean
Dist. Nanded

....RESPONDENTS

....

Mr R. K. Mendadkar and Mr Vijay Gangalwad, Advocates for
petitioner

Mr S. V. Hange, A.G.P. for respondents/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 10th March, 2025

JUDGMENT (PER : PRAFULLA S. KHUBALKAR, J.)

1. Heard.

2. Rule. Rule made returnable forthwith. By consent, heard the parties for final hearing.

3. The petitioner takes exception to the judgment and order dated 07/08/2024, passed by respondent No.2/scrutiny committee invalidating his claim for 'Mannervarlu' Scheduled Tribe in a proceeding under Section 7 of the Maharashtra Scheduled Castes, and Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001). By the impugned order, the committee has observed that the petitioner has failed to establish his claim on the basis of documentary evidence as well as on account of failure to prove affinity with 'Mannervarlu' scheduled tribe.

4. Mr R. K. Mendadkar learned counsel for the petitioner vehemently submits that the petitioner is entitled for validation of his claim in view of the validity in favour of his son Shridhar Bhimrao Parodwad. He submits that while deciding the petitioner's claim, the

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committee has relied upon the same vigilance cell enquiry report on the basis of which, the claim of Shridhar was validated. It is submitted that, in the wake of validity of son, invalidation of petitioner's claim will create an anomalous situation.

5. Per contra, Mr S. V. Hange, learned A.G.P for respondents opposes the petition and justifies the impugned order. He submits that the petitioner was required to establish his claim independently and in view of the documents showing the caste as 'Munarwar' of some cousin brothers of the petitioner, the committee has rightly invalidated his tribe claim.

6. We have considered the rival contentions and perused the papers.

7. Perusal of the record shows that the petitioner's son Shridhar Bhimrao Parodwad has been granted validity on the basis of vigilance cell enquiry report dated 29/09/2022. It is clear that same vigilance cell enquiry report was relied upon while deciding the petitioner's caste claim. Since same set of evidence was subject matter of scrutiny for deciding the petitioner's claim, his claim ought to have been validated.

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8. Relationship of the petitioner with Shridhar is not disputed. It is pertinent to note that claim of Shridhar was invalidated by order dated 07/08/2024, which was challenged in Writ Petition No.8679/2024. By the judgment dated 20/08/2024, writ petition was decided by this Court holding him entitled to conditional validity. In view of the reasons stated therein, the petitioner is also entitled for grant of validity, which has to be co-terminus with the validity of his son Shridhar Bhimrao Parodwad.

9. In view of the law laid down in the **Maharashtra Adiwasī Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others**, [AIR 2023 Supreme Court 1657] and **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**, [2010 (6) Mh. L.J. 401], considering the validity of petitioner's son, he is also entitled for validation of his tribe claim.

10. It is informed that the committee has proposed reverification of the claim of the other relatives of Shridhar. The petitioner is ready to run the risk of facing the consequences as contemplated in the matter of **Shweta Balaji Isankar vs. The State of**

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Maharashtra and others, [2018 SCC OnLine Bom 10363] (Writ Petition No.5611/2018).

11. In view of the above, the petitioner is entitled to receive validity certificate conditionally. Hence, we pass the following order :-

- (a) The writ petition is partly allowed.
- (b) The impugned order dated 07/08/2024, passed by respondent No.2/caste scrutiny committee is quashed and set aside.
- (c) Respondent No.2/committee is directed to immediately issue the tribe validity certificate of 'Mannervarlu' Scheduled Tribe to the petitioner in the prescribed format, which shall be subject to the outcome of reverification of the claims proposed by the scrutiny committee.
- (e) The petitioner shall not claim any equities.
- (f) Rule is made partly absolute in above terms.
- (f) No order as to costs.

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

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