

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

924 WRIT PETITION NO.10926 OF 2016

Kiran Sureshrao Perke

... Petitioner

Versus

The State of Maharashtra and Others

... Respondents

.....

Shri. Madhur A. Golegaonkar a/w. Shri. Manish Paithane,
Advocate for the Petitioner

Shri. P. K. Lakhotiya, AGP for the Respondent / State.

Shri. Bhosale, Advocate for Respondent No.3

Shri. Sham B. Patil, Advocate for Respondent No.4

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : JULY 29, 2025

PER COURT :-

- . Heard by consent of both sides finally at the admission stage.
2. The order impugned is dated 17.10.2016, by which the claim of the Petitioner towards 'Mannervarlu' Scheduled Tribe came to be invalidated by the Respondent No.2 – Scrutiny Committee.
3. Learned Advocate for the Petitioner tenders across the bar copy of order dated 24.07.2023 passed by this Court in Writ Petition No.2093/2018, by which the said Petition was allowed and the order of invalidation passed by the Scrutiny Committee invalidating the real Brother's claim of the Petitioner towards the said Tribe has been set aside.
4. Learned AGP submits that relevant school record of the Petitioner is incompatible with the claim of the Petitioner as the caste 'Perkewad' was shown in the record. He submits that the Validity Certificates issued to the Father and Sister - Sudhamaiyya of the Petitioner are not reliable,

since the relevant record is not taken into account before issuing the validity. He submits that the Respondent - Scrutiny Committee issued the Validity Certificates in favour of the Petitioners' Father, Brother and Sister by suppressing material fact and showing incomplete genealogy. He submits that, Petition be dismissed.

5. There is no dispute about the genealogy. When it is not in dispute that the Petitioners' real Brother by name Pawan is granted conditional validity by this Court in the above referred Writ Petition, and the Father of the Petitioner is holding validity which is partly opened, we follow the same course which was followed in the said Writ Petition. Hence, we allow the Petition in terms of the said Writ Petition and pass the following order.

O R D E R

- (i) The writ petition is partly allowed.
- (ii) The Judgment and Order dated 17.10.2016 passed by the Respondent No.2 - Scrutiny Committee, is quashed and set aside.
- (iii) The Scrutiny Committee shall issue tribe validity certificate of Scheduled Tribe 'Mannervarlu' to the Petitioner within a period of two weeks on following conditions that:
 - (a) the validity certificate shall be subject to the outcome of reverification undertaken by the Scrutiny Committee in case of Father and Sister of the Petitioner.
 - (b) the Petitioner shall not claim any equity.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)