



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

WRIT PETITION NO.12299 OF 2024

Vaishnavi Bhimrao Padalwar

..Petitioner

Vs.

The State of Maharashtra
and others

..Respondents

Mr.A.D.Sonkawade, Advocate h/f. Mr.S.G.Jayewar, Advocate for
petitioner
Mr.A.A.A.Khan, AGP for respondent nos.1 and 2

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.
DATE : AUGUST 25, 2025**

ORDER :-

Impugned in this Writ Petition under Article 226 of the Constitution of India, is the order dated 14.10.2024, passed by respondent no.2 - Scrutiny Committee, invalidating the claim of the petitioner as belonging to "*Mannervarlu*", Scheduled Tribe.

2. We have heard learned counsel for the petitioner and learned AGP for respondent nos.1 and 2.

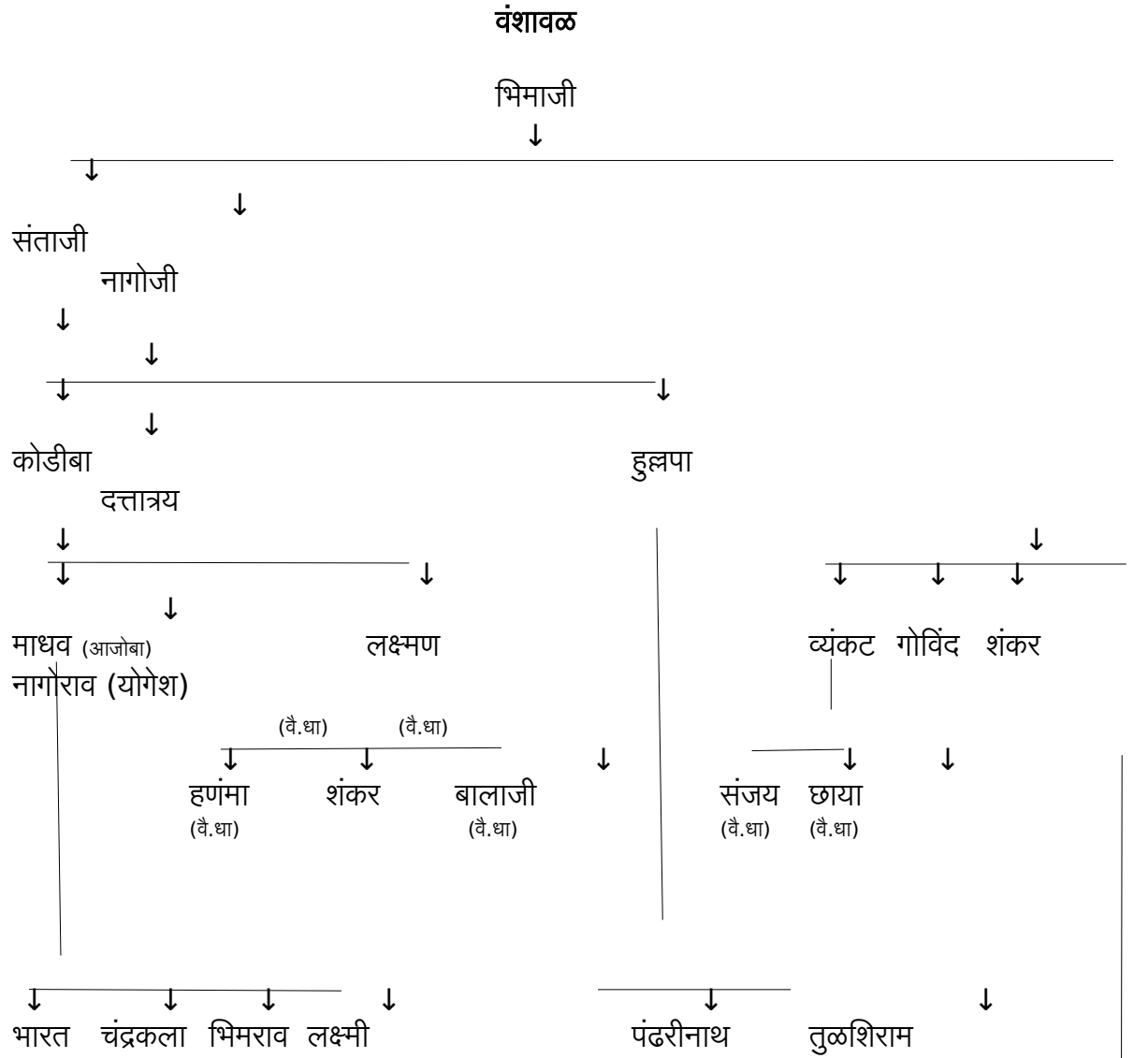
3. The main contention of learned counsel for the petitioner is that there are about seven validity holders in the blood relation of the petitioner, which are granted validity by respondent no.2 - Scrutiny Committee, by following the due procedure of law. He submits that

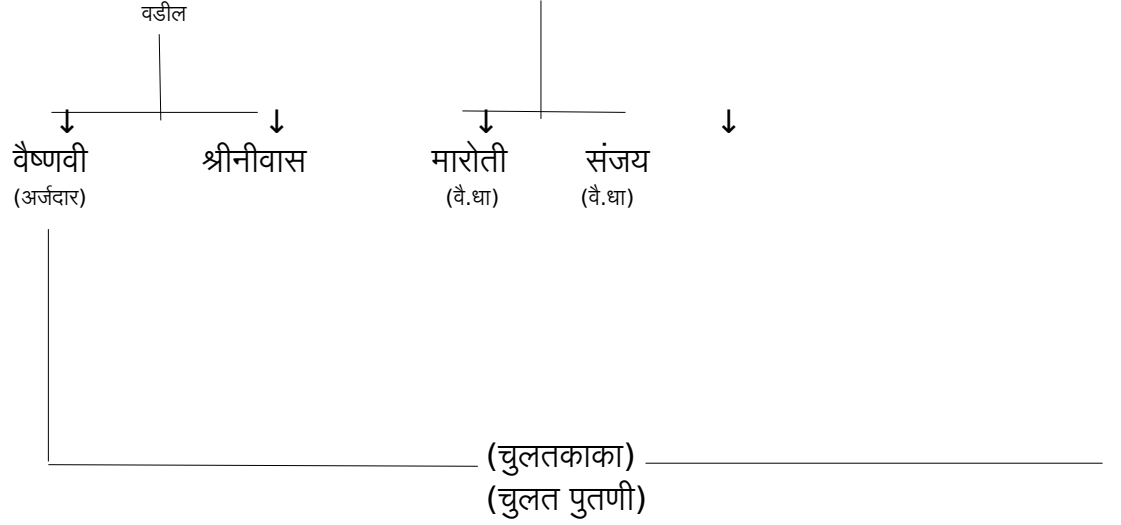
one Yogesh was the first validity holder in the blood relations of the petitioner. The respondent - Committee, in the impugned order, observed that Yogesh had secured validity towards "*Mannervarlu*", Scheduled Tribe, by suppressing the contra entries in the school record of his blood relations, such as, cousin aunt and cousin grandfather. He submits that "*Mannervarlu*" was included in the list of Scheduled Tribe in the year 1976 and the entries in the school record of the petitioner's blood relations were prior to that, i.e. 1953 and 1974, it, therefore, cannot be said that, those entries were suppressed deliberately so as to take benefit of the tribe. He further submits that since there is no dispute in respect of the genealogy submitted by the petitioner, the petition may be allowed by granting validity to the petitioner.

4. The petition is opposed by learned AGP appearing for the respondent - Scrutiny Committee. He submits that the contra entries of years 1950 and 1951 of the blood relatives of Yogesh were not before the Committee when the validity certificate was issued to said Yogesh and therefore, the petitioner herein was not granted benefit of the validity issued to said Yogesh. He submits that, out of seven entries, respondent no.2 - Scrutiny Committee has reopened validity granted to the three blood relatives of the petitioner. He

submits that respondent no.2 - Scrutiny Committee has rightly considered the record before it and was justified in invalidating the tribe claim of the petitioner. He submits that the petition may be dismissed.

5. There is no dispute in respect of the genealogy, which is reproduced below:-





6. We have gone through the papers on record. There is no doubt that the said validity granted in the blood relations of the petition was after following due procedure of law. The Vigilance Cell's report dated 04.01.2006 in the case of Yogesh, shows that one entry of Nagorao Dattatray Padalwar of 04.07.1974, was considered, wherein, it was mentioned as "*Mannervarlu*", Scheduled Tribe. Admittedly, this entry is prior to 1976. The record further shows that while considering the case of Hanma, the Committee considered the entry as "*Mannervarlu*", which was dated 29.12.1953, against the name of Lakshman Kondiba Padalwar, who was father of Hanma. The reasoned order passed by the respondent - Committee in the case of Hanma, shows that the Committee considered the said entry. It was observed that it was the oldest document and has probative value as per the provisions of the Evidence Act.

7. Since the blood relatives of the petitioner are granted validity by the Scrutiny Committee by following the due procedure of law, the petitioner cannot be denied validity of the same tribe in view of the judgment of the Apex Court in the case of **Maharashtra Adiwasni Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and others, (2023)16 SCC 415**. Since the Committee has issued show cause notice to Yogesh and two others, to whom validity has been issued, the petitioner can be issued conditional validity.

8. Hence, the following order:-

(i) The Writ Petition is partly allowed.

(ii) The impugned order dated 14.10.2024, passed by respondent no.2 – Scrutiny Committee, is quashed and set aside.

(iii) Respondent no.2 – Scrutiny Committee shall issue validity certificate to the petitioner as belonging to “*Mannervarlu*”, Scheduled Tribe, within one week, which shall be coterminous with the validities of the blood relations, which are reopened by the respondent no.2 – Scrutiny Committee.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP