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

WRIT PETITION NO.15401 OF 2023

Sagar s/o Krishna Totawar,
Age: 28 years, Occu: Education,
R/o Flat No. 308, Raj Apartment F,
Latur Phata Ambedkar Chowk, Nanded,
Tq. & Dist. Nanded

....PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
2. The Scheduled Tribe Certificate
Verification Committee, Kinwat,
Head Office at Aurangabad,
through its Member Secretary
3. The Sub-Divisional Officer,
Deglur, Tq. Deglur,
Dist. Nanded
4. The Directorate of Vocational
Education & Training,
Maharashtra State,
Mumbai – 400001

....RESPONDENTS

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Mr Umakant P. Giri, Advocate for petitioner
Mr Amar V. Lavte, A.G.P. for respondents/State

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

DATE : 3rd March, 2025

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

1. Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

3. The petitioner takes exception to the judgment and order dated 11/12/2023, 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 concluded that the petitioner has failed to establish his claim on the basis of the documentary evidence as well as on account of failure to prove affinity with 'Mannervarlu' scheduled tribe.

4. Learned advocate Mr Umakant Giri for the petitioner vehemently submitted that the committee has adopted an erroneous approach in appreciating the documentary evidence. He has submitted that in view of the validity of petitioner's father Krushna Naganna

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Totawar and validity certificates of petitioner's other close relatives, namely, Sunil Bhumanna Totawar, Sanjay Narayan Totawar, the petitioner's claim ought to have been validated. It is submitted that the reasons stated by the committee for discarding the validity certificate demonstrates perverse approach. It is submitted that, only on the strength of the documents, the petitioner's claim ought to have been validated.

5. Per contra, advocate Mr Amar Lavte, learned A.G.P. for respondents opposed the petition and justified the impugned order. He has submitted that the petitioner was required to establish his claim independently and in view of the confusion in the document of Naganna Bhumanna Totawar, dated 18/07/1954, complete reliance cannot be placed on validity of Krushna Naganna Totawar.

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

7. We have perused the original record in the matter of Krushna, father of the petitioner and cousin brother Sanjay Narayan Totawar.

8. Relationship of petitioner with validity holders i.e. Krushna Naganna Totawar, being father and other cousin brothers,

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namely, Sanjay Narayan Totawar and Sunil Bhumanna Totawar is not disputed. Record reveals that the claim of Sunil was validated by the committee and on that basis, claims of Sanjay and Krushna were validated. A careful perusal of the impugned order shows that reference made of the school record dated 18/07/1954 relating to Naganna Totawar is erroneous as the documents reveals that it was related to Narayan Naganna Totawar. Only because of this confusion about the names, it appears that the committee has discarded the validity of the petitioner.

9. Perusal of the original record of Krushna Naganna Totawar reveals that his claim was validated by a reasoned order dated 06/08/2008 and on the basis of vigilance cell enquiry of Sanjay Narayan Totawar.

10. In view of the fact that the claim of Krushna and Sanjay was validated by following the due procedure, the petitioner is entitled to derive benefit of these validities.

11. In view of the settled position of law in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others, [AIR 2023 Supreme Court 1657]**, after

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considering the validities of petitioner's father and close blood relatives, the petitioner's claim also needs to be allowed. Hence, we pass the following order :-

- (a) The writ petition is allowed.
- (b) The impugned order dated 11/12/2023, passed by respondent No.2/scrutiny committee is quashed and set aside to the extent of petitioner.
- (c) Respondent No.2/scrutiny committee is directed to issue validity certificate to the petitioner of belonging to '*Mannervarlu*' Scheduled Tribe.
- (d) The petitioner shall not claim any equities.

12. Rule is made absolute in above terms.

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

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