



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO.2833 OF 2023**

Maheshkumar s/o Narsingrao Bonlawar,  
Age 26 years, Occupation Education,  
R/o Sharda Nagar, Bhayegaon Road,  
Degloor, Tq. Degloor, Dist. Nanded. **...Petitioner**

**VERSUS**

1. The State of Maharashtra,  
Through its Secretary,  
Medical Education and Drugs Department,  
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate  
Verification Committee Kinwat,  
Through its Dy. Director ®,  
At Aurangabad.
3. The Dean,  
Dr. Shankarrao Chavan  
Government Medical College,  
Nanded, Dist. Nanded.
4. The Registrar,  
Maharashtra University of Health  
Sciences, Dindori Road, Mhasrul/  
Nashik, District Nashik.
5. The Commissioner and Competent  
Authority, Commissionerate of  
Common Entrance Test Cell,  
Government of Maharashtra,  
8<sup>th</sup> Floor, new Excelsior Building,  
A. K. Naik Marg, Fort, Mumbai. **...Respondents**

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Advocate for petitioner : Mr. S. M. Vibhute  
AGP for Respondents No.1 to 3 : Mr. S. K. Tambe  
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**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**

**DATE : 28-06-2023.**

**JUDGMENT : ( Per SHAILESH P. BRAHME, J.)**

1. Heard the learned Advocate for final hearing at the admission stage, considering urgency stated by the petitioner.
2. With the assistance of the learned AGP, we perused original record produced during the course of hearing.
3. The petitioner is challenging the Judgment and order dated 12/08/2022 invalidating his Tribe claim of 'Mannervarlu'. Previously his claim was invalidated by the Committee on 25/06/2018. Being aggrieved, he had filed Writ Petition No.9377 of 2018, which had resulted in the remand of the matter to the respondent Scrutiny Committee.
4. After remand, the petitioner produced before Committee relevant material and the validities issued in favour of his blood

relatives. However, the respondent Committee discarded the material on various grounds. The school entries of the relatives were doubted. Interpolation was noticed in the school record of the father. The material was not found to be reliable. The validities issued in favour of Ashok Lachmanna Bonlawar and Sangram Suresh Bonlawar were discarded as their relationship with the petitioner was not established. Affinity test was not found to be supportive.

5. The learned Advocate for the petitioner submitted that genealogy is not disputed. The vigilance cell report supports the petitioner. Paternal side blood relatives Sangram and Ashok were issued validity certificates. In view of this material on record, it would be discriminatory to reject caste claim of the petitioner.

6. The learned AGP supported the findings recorded by the Scrutiny Committee. The record was produced showing the contrary entries.

7. Considering rival submissions of the parties, we find that genealogy is produced on record at page No.82. The same is in conformity with the genealogy obtained by vigilance Officer. The persons whose validities are sought to be relied upon by the

petitioner are found to be related to him. There is an explicit remark of the vigilance Cell Officer about the relations which is at page No.153. In the wake of this situation, we are appreciating the validities issued to the blood relatives.

8. Sangram Suresh Bonlawar who is the relative of the petitioner had suffered invalidation. He had preferred Writ Petition No.6568 of 2004 in the High Court. The same was allowed and the Scrutiny Committee was directed to issue validity certificate by order dated 05/02/2007. The matter was carried to the Supreme Court in Civil Appeal No.7126 of 2004. It was dismissed on 20/02/2019. The Judgment passed by the High Court and the Supreme Court are on record (Exhibit 'F').

9. Another blood relative of the petitioner, Ashok Lachmanna Bonlawar was issued validity certificate by the High Court vide Judgment dated 29/10/1990. The said Judgment along with affidavit of Ashok is also placed on record.

10. Entire aspect of the matter was already considered by the Co-ordinate Benches in the matters of Ashok and Sangram. There is no reason shown by the learned AGP to take different view. The Civil

Appeal arising from the Judgment of Sangram was also dismissed. In that view of the matter, we find it safe to rely upon the validities issued in favour of both of them.

11. The claims of Sangram and Ashok are not reopened. The Scrutiny Committee committed perversity in discarding the validities issued in favour of above relatives. The approach of the Scrutiny Committee is discriminatory.

12. The findings recorded by the Scrutiny Committee in respect of the school entries are unsustainable. The negative findings recorded by the Committee against the petitioner are inconsequential in view of the validation of the claims of Sangram and Ashok.

13. We, therefore, allow the writ petition partly. The Judgment and order dated 12/08/2022, passed by the Scrutiny Committee is quashed and set aside. The respondent No.2 Scrutiny Committee shall issue Tribe Validity Certificate to the petitioner within a period of two (2) weeks.

**( SHAILESH P. BRAHME, J. )**

**( MANGESH S. PATIL, J. )**

vjg/-