

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

WRIT PETITION NO. 1937 OF 2018

Ulhas Ganesh Sonawane and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri. S.R. Barlinge, Advocate for Petitioners.

Shri. K.N. Lokhande , A.G.P. for Respondents

CORAM : S.V. GANGAPURWALA AND

A. M. DHAVAL, JJ.

DATED : 14th February, 2018

PER COURT:

. Mr. Barlinge, the learned advocate for petitioners submits that by common judgment the Scrutiny Committee invalidated the Tribe claims of petitioners as belonging Tokre Koli (Scheduled Tribe). The father of the petitioners has been issued with the validity certificate by the Scrutiny Committee. The Scrutiny Committee had rejected the Tribe claim of the real brother of petitioners namely Rohan Ganesh Sonawane. Rohan

Ganesh Sonawane had filed writ petition before this Court bearing Writ Petition No. 8058 of 2013. This court under judgment and order dated 15.06.2017 allowed the writ petition of the real brother of petitioners Rohan Ganesh Sonawane and directed the committee to issue validity certificate to the real brother of petitioners.

2. The learned Assistant Government Pleader submits that, the Committee after considering the evidence, affinity test has rightly invalidated the Tribe claims and the petitioners are challenging the order after period of four years.

3. We have considered the submissions. We could have considered the reasonings given by the Scrutiny Committee invalidating the Tribe claims of petitioners, if the same would have been only on the basis of the validity certificate issued to their father by the Committee.

4. However, earlier the Scrutiny Committee had invalidated the Tribe claim of the real brother of the petitioners Rohan Ganesh Sonawane. Rohan Ganesh Sonawane challenged the judgment of the Scrutiny Committee by filing Writ Petition No. 8058 of 2013. This court under judgment and order dated 15.06.2017 allowed the writ petition and

directed the committee to issue validity certificate to the real brother of petitioners Rohan Ganesh Sonawane. It appears that pursuant to the order of this court dated 15.06.2017, the Scrutiny Committee issued validity certificate to the real brother of petitioners Rohan Ganesh Sonawane.

5. Considering the aforesaid and for the reasons stated in the judgment and order dated 15.06.2017 in Writ Petition No. 8058 of 2013, present writ petition is allowed. The impugned judgment of the Committee is quashed and set aside. The Committee shall issue validity certificate of Tokre Koli, Scheduled Tribe to the petitioner expeditiously and preferably within four (04) weeks from the date of receipt of this court order. The writ petition is accordingly allowed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]