

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

WRIT PETITION NO. 1711 OF 2022

Shashikant s/o Balajirao Padalwar ...Petitioner

VERSUS

1. The Scheduled Tribe Certificate Scrutiny Committee,
Kinwat, Dist. Nanded.
Through its Member Secretary.
2. Government Medical College, Akola,
Through its Dean.
3. Maharashtra University for Health Sciences,
Nashik, Dindori Road,
Mhasrul, Nashik,
Through its Registrar. ...Respondents

AND

WRIT PETITION NO. 1731 OF 2022

Ashok Hanmantrao Padalwar ...Petitioner

VERSUS

1. The Scheduled Tribe Certificate Scrutiny Committee,
Kinwat, Dist. Nanded.
Through its Member Secretary.
2. Maharashtra State Road Transport Corporation
Nanded Division, Nanded.
Through its Divisional Controller. ...Respondents

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Advocate for Petitioner in both petitions : Mr. Umesh Gite h/f Mr.Deshmukh Mahesh S.

AGP for Respondents/State in both petitions : Mr. A.S. Shinde

Advocate for Respondent No.3 in WP-1711-2022 : Ms. V.S. Choudhary

Advocate for Respondent No. 2 in WP-1731-2022 : Mr. B.S. Deshmukh

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 19 AUGUST 2023

PER COURT :

. Heard both the sides finally.

1. By way of this petition, the petitioners, Shashikant and Ashok have been impugning the selfsame common order passed by the respondent no.1/Scrutiny Committee, confiscating and cancelling their tribe certificate of Mannervarlu scheduled tribe.

2. During the course of hearing, it transpires that in fact the impugned order was a common order in respect of four individuals. Apart from these two petitioners, Gangasagar Venkatrao Padalwar and Soujanya Chandrakant Padalwar were two other individuals. Soujanya had preferred writ petition no.1258/2022 putting up a challenge to the selfsame order. By the order dated 25.01.2022, this Court had allowed the writ petition and directed certificate of validity to be issued to her subject to the decision to be taken by the Committee in the matter which it had decided to reopen in respect of the validity holders she was relying.

3. Since, admittedly, it is a common order obviously because there is no dispute about the blood relationship inter se between the individuals if the selfsame order has been subjected to the judicial scrutiny of this Court in the matter of Soujanya, there cannot be any other judgment and order much less taking a contrary view.

4. Both the writ petitions are allowed partly. The impugned order dated 21.01.2022 passed by the respondent no.1/Scrutiny Committee is quashed and set aside even to the extent of Shashikant and Ashok. The Committee shall immediately issue tribe validity certificate to both the petitioners as belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the reopened matter. The petitioners shall not be entitled to claim equities. The writ petitions are disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]