

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

WRIT PETITION NO. 2469 OF 2021

Ashwini d/o Naresh Shinde,
Age – 28 years, Occ. Student,
R/o A/p Pethwadaj, Tq. Kandhar,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad,
Through its Member Secretary. .. Respondents

**WITH
WRIT PETITION NO. 2468 OF 2021**

Ramesh S/o Dasrao Shinde,
Age – 48 years, Occ. Service,
R/o A/p Pethwadaj, Tq. Kandhar,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad,

Through its Member Secretary.

3. The Chief Executive Officer,
Zilla Parishad, Nanded. .. Respondents

**WITH
WRIT PETITION NO. 2470 OF 2021**

Rohini d/o Ramesh Shinde,
Age – 21 years, Occ. Student,
R/o A/p Pethwadaj, Tq. Kandhar,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad,
Through its Member Secretary. .. Respondents

**WITH
WRIT PETITION NO. 2471 OF 2021**

Gajanan s/o Dasrao Shinde,
Age – 44 years, Occ. Service,
R/o A/p Pethwadaj, Tq. Kandhar,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai – 32.
Through its Secretary.

2. The Scheduled Tribe Certificate Scrutiny Committee, Aurangabad Division, Aurangabad, Through its Member Secretary.

3. The Chief Executive Officer, Zilla Parishad, Nanded. .. Respondents

Shri Sushant C. Yeramwar, Advocate for the Petitioner in all matters.

Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 and 2 in all matters.

Shri S. B. Pulkundwar, Advocate for the Respondent No. 3 in W. P. No. 2468 of 2021 and W. P. No. 2471 of 2021

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 13 JULY 2023.**

FINAL ORDER :

. Heard learned advocate for the petitioners and the learned Assistant Government Pleader finally in all four matters.

2. The petitioners are challenging the order passed by the respondent/Scrutiny Committee in proceedings under Section 7 of the Maharashtra Scheduled Castes, 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, whereby, by a common judgment and order, their claims as belonging to 'Thakur' (Scheduled Tribe) have been turned down.

3. It transpires that in fact it was a common order in respect

of these four petitioners and one Gaurav Gajanan Shinde, Vijay Naresh Shinde and Devidas Ramesh Shinde. In view of the then exigencies being demonstrated, by a common order petitions of Gaurav Gajanan Shinde and Devidas Ramesh Shinde bearing Writ Petition No. 2465 of 2021 and Writ Petition No. 2467 of 2021 were decided by this Court on 03 December 2021, whereas writ petition of Vijay Naresh Shinde bearing Writ Petition No. 2466 of 2021 was decided on 08 December 2021.

4. The very fact that all these claims of seven individuals were considered together and decided by common order depicts that there was no dispute as far as they being blood relatives *inter se* from paternal side. Common material and evidence was discussed and the order was passed.

5. We emphasize aforesaid mentioned fact for the simple reason that this Court was called upon to and has considered merits of the self same common order and has allowed writ petitions of Gaurav Gajanan Shinde, Vijay Naresh Shinde and Devidas Ramesh Shinde. We cannot take a different view. In fact, since it is a common order which was under challenge in earlier three writ petitions there cannot be a separate judgment by another coordinate bench in respect of few of these individuals namely the petitioners herein. The reasons given in the orders passed by this Court in the matters of Gaurav Gajanan Shinde and Devidas Ramesh Shinde as also Vijay Naresh Shinde will bind us. We need not therefore go into the other aspects. As the

Court has granted conditional validity certificates to Gaurav, Vijay and Devidas, even these petitioners would be entitled to the same relief obviously conditionally, depending upon the ultimate decision in the matters to be reopened by the Scrutiny Committee in respect of validity holders.

6. The writ petitions are allowed partly. The impugned order is quashed and set aside qua even these four petitioners. The respondent/Scrutiny Committee shall now issue validity certificates to the petitioners as belonging to 'Thakur' (Scheduled Tribe) by 19 July 2023. Such validity certificates would be subject to the ultimate decision in the matters to be reopened by the Scrutiny Committee. The petitioners shall not be entitled to claim equities. The petitioners and their blood relatives shall cooperate in early decision in the reopened matters. The writ petitions are disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23