

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

33 WRIT PETITION NO.2891 OF 2022

ANMOL BALAJI KOTLAWAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. Vibhute Sunil M.  
AGP for the respondent – State : Mr. S.G. Sangale  
...

**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**

**DATE : 21 AUGUST 2023**

**ORAL ORDER (MANGESH S. PATIL, J.) :**

Heard.

2. The petitioner is challenging invalidation of his tribe claim as belonging to Mannervarlu scheduled tribe.

3. Learned advocate Mr. Vibhute for the petitioner points out that the petitioner's second degree cousin Ashutosh was granted certificate of validity pursuant to the order of this Court in writ petition no. 9242 of 2018, relying upon the certificate of validity possessed by the petitioner's father – Balaji. He submits that it was a conditional validity. The petitioner is ready to run the risk of facing the consequences as contemplated in the matter of ***Shweta Balaji Isankar Vs. State of Maharashtra and others (writ petition no. 6320 of 2017)***.

4. The learned AGP admits that there are several validities in the family which the committee intends to again enquire into. He submits that those were apparently obtained by concealing the material and by resorting to fraud. However, he admits that Ashutosh Deepak Kotalwar was granted certificate of validity inter alia based on the validity possessed by the petitioner's father – Balaji.

5. Admittedly, Ashutosh was directed to be granted certificate of validity by order of this Court on 09-08-2018, subject to the decision to be taken by the committee in the matter it had intended to re-open. Pertinently, the petitioner's father's validity was also one of the considerations which had weighed with the Court for directing certificate of validity to be issued to Ashutosh.

6. Obviously, if the committee is able to take the re-opened matters to the logical end, thereby confiscating and cancelling the tribe certificate, the petitioner would be liable to face the consequences. However, till that time the benefit cannot be denied to the petitioner.

7. We allow the writ petition, quash and set aside the impugned order. The respondent - committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without adding anything. The

validity shall be subject to the final outcome of the matters which the committee has decided to re-open.

8. The petitioner shall not be entitled to claim equities.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**

arp/