

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1010 WRIT PETITION NO. 3218 OF 2022

GAURANG DILIPKUMAR KHANDERAY AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Boinwad Omgashad B.
AGP for Respondents : Mr. S.G. Sangale

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 11 JULY 2023

PC :

Heard both the sides at the admission stage.

2. The petitioners are blood relatives *inter se* from the paternal side and challenging the judgment and order passed by the Scrutiny Committee in a proceeding under Section 7 of the Maharashtra Act No. XXIII of 2001, invalidating their claims as belonging to Koli Mahadev scheduled tribe.

3. During the course of hearing, it transpires that in fact the impugned judgment and order passed by the Scrutiny Committee was a common order passed in respect of four individuals related by blood from paternal side. Petitioners were the three individuals out of those and one Shivaji Subhash Khanderay was the fourth one. There is no dispute regarding all these four individuals being blood relatives from the paternal side. Rather only because of this circumstance, the

Committee has passed the common order refuting claims of each of them.

4. Incidentally, may be because of the exigencies prevailing at that time, in the matter of Shivaji Subhash Khanderao, Writ Petition No. 1461 of 2022, this Court by an order dated 01 February 2022, after considering the facts and circumstances allowed the Writ Petition and directed the Committee to issue a validity certificate to him which was made subject to the decision that was to be taken by the Committee in the proceedings it has decided to reopen in respect of the validity holders.

5. Learned AGP, on instructions, submits that subsequently notices have been issued to the validity holders and the proceedings are going on.

6. Since this Court has already examined the legality and validity of the self same judgment and order, which is under challenge at the instance of the petitioners herein, we should follow the discipline to follow the same course. We cannot take any other view.

7. We allow the Writ Petition partly, quashed and set aside the impugned order even to the extent of these petitioners and direct the respondent – Scrutiny Committee to issue validity certificates to the petitioners within a period of two weeks from today. Validity certificates

shall be subject to the decision that would be taken in the matters of validity holders whose cases the committee has reopened. The petitioners shall not be entitled to claim equities. The validity holders shall cooperate the Scrutiny Committee in early decision of the cases.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

spc/