

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

WRIT PETITION NO. 5853 OF 2020

SHREYA RAJESH KOLHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Manohar Deshpande
h/f. Mr. Madur A. Golegaonkar
AGP for Respondents : Mr. S.R. Yadav-Lonikar

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

DATED : 28 JUNE 2023

PER COURT :

1. Heard learned Advocate for the petitioner and the learned AGP and perused the record.
2. The petitioner is aggrieved by the order passed by the respondent no. 2 – Scheduled Tribe Certificate Scrutiny Committee, whereby, claim of the petitioner as belonging to Mannernvarlu Scheduled Tribe has been turned down.
3. In our considered view, this Court may not be able to now undertake any further enquiry to examine the legality or otherwise of

the impugned order, for the simple reason that the order under challenge was in fact a common order in respect of two individuals who were sister and brother *inter se*. After considering the arguments, this Court in the matter of sister of the petitioner Sumati in Writ Petition No. 9619 of 2019, by the order dated 01 August 2019, had allowed her petition and quashed and set aside the order and directed the Committee to issue her a validity certificate which was obviously a conditional validity that was subject to the outcome of the decision that was to be taken by the Committee in the matters in which Committee was intending to re-open the cases of the validity holders of the family of the petitioner.

4. This being a successive bench, in our considered view, we cannot undertake any independent scrutiny of the self same judgment and to arrive at some different conclusion than what has already been rendered in the matter of sister of the petitioner.

5. For the self same reasons as are indicated in the order dated 01 August 2019, in the Writ Petition No. 9619 of 2019, we allow the Writ Petition and quash and set aside the impugned order even to the extent of the petitioner and direct the Committee to issue a

validity certificate to the petitioner as expeditiously as possible and in any case within a period of two weeks, which shall be subject to the decision that may be taken by the Committee in the matters which the Committee intends to re-open or has already re-opened. The petitioner shall not be entitled to any equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPChauhan