

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

95 WRIT PETITION NO.7248 OF 2022

AKANKSHA ANKUSHRAO VIBHUTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents No.1 to 3 : Mr. S. K. Tambe
Advocate for Respondent No.4 : Mr. M. D. Narwadkar
...

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

DATE : 26.06.2023.

PER COURT :

The petitioner is aggrieved by the decision taken by the respondent Scrutiny Committee invalidating his Tribe certificate as belonging to 'Koli Mahadev' Scheduled Tribe.

2. We have heard the learned Advocate for the petitioner and also the learned AGP.

3. Without adverting to anything else, it would suffice to rebut to the order passed by this Court in Writ Petition No.1770 of 2021 in respect of one Hariom Sanjay Vibhute and Saiom Sanjay Vibhute,

dated 30/01/2021. These two individuals apparently can be found in the genealogy prepared by the petitioner and they may be distant but are apparently blood relatives of the petitioner. This Court has granted them validity subject to the decision that would be taken by the Committee in respect of the matters which were decided to be reopened.

4. The fact that the branch of the Yashwant was not shown in the genealogy while obtaining the validity certificates by four to five individuals from that branch was also brought to the notice of this Court. Even their challenge by way of a writ petitions and subsequent withdrawal of the writ petition was also brought to the notice of the Court. The validity certificate granted to the father of Hariom and Saiom by name Sanjay, was also subjected to a challenge before this Court in Writ Petition No.154 of 2008, which was dismissed by holding that the decision of the Committee granting validity dated 10/09/2008 did not suffer from any error.

5. Admittedly show cause notices have been issued to the validity holders. Obviously it would take its own time to conclude those cases which are already reopened or would be reopened. As of now, the

petitioner's father possesses a validity and this Court has granted conditional validity to Hariom and Saiom who are his blood relatives.

6. In view of such peculiar state of affairs, we allow the writ petition partly, quash and set aside the impugned order and direct respondents Scrutiny Committee to grant the petitioner validity certificate as expeditiously as possible, and in any case, within a period of three weeks. Such validity certificate shall be subject to the following conditions :-

(A) The petitioner will not claim any equity in case the validities sought to be reopened are decided against the validity holders.

(B) All these validity holders will co-operate the respondent Scrutiny Committee in early disposal of the reopened cases.

(C) The Committee shall decide the reopened cases as expeditiously as possible.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

vjg/-