

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

WRIT PETITION NO.8702 OF 2023

Rahul Ashok Bogulwar

Age : 25 years, Occu : Student,

R/o. Degloor, Tq. Degloor,

Dist. Nanded

.. Petitioner

Versus

1. The State of Maharashtra
Through Its Secretary
Tribal Department,
Mantralaya, Mumbai

2. The Scheduled Tribe Certificate
Scrutiny Committee, Auranabad Division,
Aurangabad
Through its Deputy Director (R)

3. The Scheduled Tribe Certificate
Scrutiny Committee, Kinvat,
Through its Deputy Director (R)

.. Respondents

...

Advocate for Petitioner : Mr. Pratap V. Jadhavar

AGP for Respondent / State : Mr. A. S. Shinde

...

**CORAM : MANGESH S. PATIL
AND
NEERAJ P. DHOTE, JJ.**

DATED : 07TH NOVEMBER 2023

ORDER :

. Heard both the sides.

2. The petitioner is challenging the order of invalidation

whereby the respondent – committee has confiscated and cancelled his ‘Mannervarlu’ Scheduled Tribe Certificate by the order dated 26.11.2021.

3. It transpires that the impugned order was the common order in respect of the petitioner and three more individuals namely Saivanshi Shivram Bogulwar, Sangita Balaji Bogulwar and Govind Balaji Bogulwar. Saivanshi had challenged the selfsame order in Writ Petition No.445 of 2022. By order dated 11.01.2022 this Court allowed the petition and directed the certificate of validity to be issued.

4. If such is the state of affairs, when a coordinate bench has already embarked upon and has considered the legality of the selfsame order, the propriety demands that we follow the same course.

5. In the light of the above, we proceed to pass the following order.

ORDER

(i) The Writ Petition is partly allowed. The impugned order is quashed and set aside. 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.

- (ii) Learned AGP to communicate this order immediately to the concerned Committee.
- (iii) The petitioner shall not be entitled to claim equities.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

GGP