

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

**957 WRIT PETITION NO.9497 OF 2019
WITH CA/11193/2023 IN WP/9497/2019**

Vijay s/o Balaji Gundwad
Age Major, Occ. Student,
R/o. Hipalner, Tq. Chakur,
Dist. Latur.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Through Secretary,
Tribal Development Department
Mantralaya, Mumbai.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee Aurangabad
Division, Plot No. 10, Sector E-1,
Near Saint Lawrence High School
Opp. CIDCO, Bus Stand, Aurangabad.
- 3) The District Resettlement Officer,
Office of DRO, Collectorate
Latur.
- 4) The Principal,
Sinhgad Institute of Technology,
Kusgaon (Bk) Lonavala,
Tq. Maval, Dist. Pune.
- 5) The Director,
Directorate of Technical Education
MS 3, Mahapalika Marg, Mumbai.

... **Respondents**

...

Advocate for the Petitioner : Mr. Golegaonkar Madhur A.
A.G.P. for the Respondent Nos. 1 to 3/State : Mr. S. G. Sangale.

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

DATE : 06.09.2023

PER COURT :

Heard both the sides.

2. The petitioner is challenging the order of the respondent-scrutiny committee invalidating his tribe claim as belonging to 'Koli Mahadev' scheduled tribe.

3. It transpires that in fact it was a common order passed in the matter of petitioner and his brother Sanjay. Sanjay had challenged that order in Writ Petition No. 9041/2019. A Division Bench of this Court by the order dated 22.08.2019 allowed the writ petition and directed a tribe validity certificate to be issued to Sanjay. It was made subject to the decision to be taken by the committee in the matters which it had reopened for cancelling the validities being relied upon by him. This being a coordinate bench cannot undertake independent scrutiny as to the legality or sustainability of the self-same order when already earlier bench in the matter of Sanjay has dealt with it.

4. We allow the writ petition partly for the self-same reasons as are indicated in the matter of Sanjay Balaji Gundwad.

5. The impugned order is quashed and set aside even to the extent of the present petitioner. The committee shall issue him certificate of validity immediately of 'Koli Mahadev' scheduled tribe. Its validity shall be subject to the final outcome of the decision to be taken by the committee in the reopened matters.

6. The Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-