

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

WRIT PETITION NO. 10066 OF 2023

Balaji Dattatray Nayane

...Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department, Mumbai.
2. The Scheduled Tribe
Certificate Scrutiny Committee, Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Latur.
4. The Education Officer (Primary),
Zilla Parishad, Latur.
5. The Head Master
Z.P.S. Ajhuni (Kh)
Tq. Ahmedpur, Dist. Latur.

...Respondents

...

Advocate for Petitioner : Mr. Bayas Anandsingh Sangramsingh

AGP for Respondents/State : Mr. A.A. Jagatkar

...

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

DATE : 19 AUGUST 2023

PER COURT :

. Heard both the sides finally.

1. The petitioner is challenging the order of invalidation passed by the respondent no.2/Scrutiny Committee.

2. In fact the impugned order was a common order passed in the matter of three individuals, the petitioner, his son Ajay and one Shubham. In Writ Petition No.9200/2023, Shubham and Ajay had challenged the selfsame order of invalidation and by the order dated 31.07.2023, we had allowed the writ petition partly, quashed and set aside the impugned order and directed certificate of validity to be issued to both of them.

3. Since it was a common order which was put to a challenge by Shubham and Ajay and this Court had already embarked upon, undertaken a scrutiny and had examined the sustainability of the selfsame order, we are bound to follow the same.

4. The writ petition is allowed partly. The impugned order dated 06.07.2023 passed by the respondent no.2/Scrutiny Committee is quashed and set aside even to the extent of Balaji for the reasons mentioned in the order passed in Writ Petition No.9200/2023. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the reopened matter of Mahdavi Dattatraya Nayane. The petitioner shall not be entitled to claim equities. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]