

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

6 WRIT PETITION NO. 10167 OF 2023

**ANUP NARSING YALMALWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Advocate for Petitioner : Mr. U.B. Gite
AGP for Respondent No. 1 : Mr. A.S. Shinde
Advocate for Respondent No. 2 : Mr. M.D. Narwadkar

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

DATE : 17 AUGUST 2023

PER COURT :

Heard both the sides finally.

2. The petitioner is challenging the order passed by the respondent no. 2 – Scrutiny Committee, invalidating his tribe claim as belonging to ‘Koli Mahadev’ scheduled tribe, albeit the impugned order in paragraph no. 1 refers to tribe as ‘Mannervarlu’ scheduled tribe.

3. We have carefully considered the rival submissions and perused the record. For the present, it will be appropriate to refer to the only fact that real sister and real brother of the petitioner by name Pooja and Subhash and their father Narsing have been granted blanket certificates of validity by the order of this Court in Writ Petition Nos. 8572 of 2021 – 8612 of 2021 dated 04 October 2021. Pertinently, common order passed by this Court in those two matters is a speaking

order. This Court has assigned reasons examining the old record including the revenue record and has directed certificates of validity to be issued to these two individuals.

4. Since the petitioner is a blood relation, he is entitled to derive the benefit of such validity granted by the order of this Court. Irrespective of whether he is independently able to substantiate his claim.

5. In fact though the Committee has endeavoured to demonstrate as to how validities were obtained by the blood relations by resorting to fraud, in fact the Committee could not have made these observations qua the individuals to whom the certificates of validity have been granted by the order of this Court.

6. Be that as it may, the petitioner's real brother, sister and father being the holders of the certificates of validity granted pursuant to the orders of this Court, for the self same reasons, even he is entitled to a similar validity.

7. Hence, we pass following order :

ORDER

- i. The Writ Petition is partly allowed.

- ii. The impugned order is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, as the petitioner has to produce it by 05:30 p.m. today.
- iv. The certificate of validity shall be issued strictly in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.
- vi. Learned AGP in pursuance of the Officer of the Committee shall take steps.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]