

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

WRIT PETITION NO. 10550 OF 2023

**SAINATH DEVIDAS RUDRURKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Boinwad Omgashad B.

AGP for Respondents : Mr. A. S. Shinde

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

DATE : 24 AUGUST 2023

PER COURT :

- . Heard the learned Advocate for the petitioner and learned AGP
2. The petitioner is challenging the order passed by the respondent no.2/Scrutiny Committee, confiscating and cancelling his tribe certificate as belonging to Koli Mahadev scheduled tribe.
3. During the course of hearing, it transpires that in fact the impugned order was a common order passed by the Committee in the matter of petitioner and his cousin Shruti Gangadhar Rudrurkar.
4. Admittedly, Shruti had challenged that order in Writ Petition No.9672/2023. By the order dated 07.08.2023, we had embarked upon

the legality of selfsame order and had allowed the writ petition thereby directing the Committee to issue certificate of validity to her. Even if now the petitioner has put up a separate challenge to the selfsame order, we cannot take any inconsistent view than what we have taken in the matter of Shruti.

5. The writ petition is partly allowed for the selfsame reasons.

6. The impugned order is quashed and set aside even to the extent of the petitioner. The respondent no.2/Scrutiny Committee shall immediately issue certificate of validity to the petitioner as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without inserting anything.

7. The validity shall be subject to the final outcome of decision in the matters which the Committee has intended to reopen. The petitioner shall not be entitled to claim equities.

8. The petitioner and his relatives shall cooperate with the Scrutiny Committee in early disposal of the reopened matters.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]