

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

901 WRIT PETITION NO. 10434 OF 2023

**PRAJYOT ASHOK PAKALWAD (BACHEWAD)
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

AND

902 WRIT PETITION NO. 10443 OF 2023

**PRASAD SUBHASH BACHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

AND

903 WRIT PETITION NO. 10445 OF 2023

**SHIVRAJ GOVINDRAO BACHEWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner : Mr. Solanke Shikrashna B.

AGP for Respondents : Mr. S.R. Yadav Lonikar

...

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

DATE : 25 AUGUST 2023

PER COURT (PER : SHAILESH P. BRAHME, J) :

1. Heard learned counsel for the respective parties finally at the admission stage, considering the urgency in the matter.
2. The petitioners are members of a family and related to each other on the paternal side. They are relying upon the validity certificates issued to Ashok, Subhash, Seeta, Sunil and Govind. According to

learned counsel for the petitioners, the validity certificates were issued after following due procedure of law and those would enure to the benefit of the petitioners.

3. Learned AGP would oppose claim of the petitioners. According to him, the school record of the relatives of the petitioners is incompatible with their claims. The validity certificates are rightly discarded by the Committee. The affinity test was recorded against them. Original papers of the petitioners are placed on record.

4. We have considered the rival submissions of the parties. The relationship of the petitioners with the validity holders is not disputed. The petitioners have placed reliance upon genealogy. Learned AGP has also placed on record more detailed genealogy of the family of the petitioners. We do not find any material inconsistencies. The petitioners have placed on record judgment and order dated 11.07.2023, passed in the matter of Seeta Gyanoba Bachewad Versus State of Maharashtra and others in Writ Petition No. 3904 of 2022. It can be seen from the genealogy produced by learned AGP that Sita is paternal side relative of the petitioners, whose Writ Petition was allowed. There is a reference of validity certificates issued to her relatives which are common.

5. We find that in view of the orders passed in Seeta Bachewad, we have no doubt to rely upon her validity certificate. The petitioners are entitled to conditional validity. The Scrutiny Committee committed perversity in discarding the validity certificates.

6. Unless and until the validity certificates are quashed or revoked, the petitioners cannot be deprived of the same social status. We find that impugned judgment and order is unsustainable.

7. For the reasons stated above, we pass following order :

ORDER

- i. The writ petitions are partly allowed.
- ii. The common impugned order dated 18.08.2023, passed by the respondent no. 2 – Scrutiny Committee is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioners as belonging to ‘Mannervarlu’ scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.

- iv. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioners shall not be entitled to claim equities.
- vi. The petitioners and the validity holders shall cooperate with the Scrutiny Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]