

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

WRIT PETITION NO. 12780 OF 2023

Musaveer Baktiyar Khan Pathan .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anil S. Golegaonkar, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 13 OCTOBER 2023.**

ORDER :

. The petitioner is challenging the order of invalidation passed by the Respondent No. 2/Scrutiny Committee.

2. Issue notice for final disposal to the respondents. The learned Assistant Government Pleader service service for respondent Nos. 1 to 3.

3. The order under challenge in fact was a common order in respect of two individuals i. e. the petitioner and his first degree cousin Muddasir Mukhtar Khan Pathan.

4. In Writ Petition No. 8971 of 2023 Muddasir Mukhtar Khan Pathan had put up a challenge to the self same order of the

Scrutiny Committee. By order dated 23 August 2023, this Court has allowed the writ petition partly and quashed and set aside the order to the extent of Muddasir Mukhtar Khan Pathan and directed the Committee to issue certificate of validity to him subject to final outcome of the matters which the Committee had decided to reopen.

5. In the present writ petition challenge is to the self same order passed by the respondent/Scrutiny Committee. The judicial propriety requires same course to be followed.

6. For the reasons recorded vide order dated 23 August 2023 in Writ Petition No. 8971 of 2023, we allow the writ petition partly and quash and set aside the impugned judgment and order even to the extent of petitioner and direct the respondent No. 2/Scrutiny Committee shall issue certificate of validity to the petitioner as belonging to 'Tadavi' (Scheduled Tribe) to the petitioner immediately without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open. The petitioner shall not be entitled to claim equities. The writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]