

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13798 OF 2023

Kiran D/o Tanaji Katewad

.. Petitioner

Versus

1] The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.

2] Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter, Aurangabad,
Near CIDCO Bus Stand, Aurangabad,
Dist. Aurangabad

.. Respondents

...

Advocate for petitioner : Mr. Om Totawad h/f. Mr. Chandrakant R. Thorat
AGP for the respondent – State : Mr. S.G. Sangale

...

AND

WRIT PETITION NO. 12440 OF 2021

Sachin S/o Tanaji Katewad

.. Petitioner

Versus

1] The State of Maharashtra,
Through Principal Secretary,
Medical Education Department,
Mantralaya, Mumbai – 32.

2] The Commissioner & Competent Authority,
Government of Maharashtra,
State Common Entrance Test Cell,
8th Floor, New Excelsior Building,
A.K. Nayak Marg, Fort,
Mumbai – 400 001.

3] Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad
Through its Deputy Director (Research)
and Member Secretary

.. Respondents

...
Advocate for petitioner : Mr. Om Totawad h/f. Mr. Chandrakant R. Thorat
AGP for the respondent – State : Mr. S.G. Sangale
Advocate for respondent no. 2 : Mr. M.D. Narwadkar
...

AND
WRIT PETITION NO. 12446 OF 2021

Nitin Tanaji Katewad .. Petitioner
Versus
1] The State of Maharashtra,
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2] Scheduled Tribe Certificate
Verification Committee,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad,
Dist. Aurangabad
Through its Deputy Director (Research)
and Member Secretary .. Respondents

...
Advocate for petitioner : Mr. Om Totawad h/f. Mr. Chandrakant R. Thorat
AGP for the respondent – State : Mr. S.G. Sangale
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 01 NOVEMBER 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Heard.

2. The petitioners are challenging the order of invalidation of the scrutiny committee.

3. Writ petitions no. 12440 of 2021 and 12446 of 2021 are not on board. Those are taken on board on mentioning along with the writ petition no. 13798 of 2023.

4. In-fact, the impugned order is a common order passed in respect of four individuals including the petitioners invalidating their similar claims of belonging to Rajgond scheduled tribe. One of the four claimants, namely, Suryanarayan Anand Katewar had challenged the order in writ petition no. 11964 of 2021. Rest of the three individuals have preferred these three writ petitions challenging the selfsame order.

5. By the judgment and order dated 21-10-2022, for the elaborate reasons recorded therein, Suryanarayan's petition was allowed and he was directed to be issued with a certificate of validity. Since this Court has already embarked upon and examined the sustainability of the selfsame order in writ petition of Suryanarayan, propriety demands that the Court should be consistent otherwise it would be an obnoxious situation where the different benches sitting over the selfsame order would record incompatible findings.

6. For the selfsame reasons as are recorded in the order passed in Suryanarayan's writ petition, all these petitions deserve to be allowed.

7. The learned AGP submits that since the committee perceives that the validity holders being relied upon by the petitioners had obtained certificates of validity by practising fraud and has decided

to undertake fresh scrutiny of the matters of the validity holders, the petitioners be granted certificates of validity subject to the final outcome of the matters which the committee has decided to reopen.

8. Pertinently, a similar request was made before the Court when Suryanarayan's matter was being decided and it was rejected as can be noticed in clause (v) of the operative part. Again, it would be a matter of propriety if Suryanarayan was granted certificate of validity without any condition, the petitioners are also entitled to have certificates of validity without any condition.

9. In the result, the following order :-

- I) The writ petitions are allowed.
- II) The impugned order is quashed and set aside even to the extent of the petitioners.
- III) The respondent - committee shall issue certificates of validity to the petitioners immediately.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/