

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12977 OF 2021

Pooja D/o Somnath Boyane

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai
- 2] The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director [R]
Dist. Aurangabad
- 3] The Principal,
Vasantdada Patil Ayurvedic College,
Opp Income Tax Office, Sangli Miraj Road,
South Shivaji Nagar, Sangli
Dist. Sangli
- 4] The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul /
Nashik, District – Nashik
- 5] The Principal
Rajarshi Shahu College
Latur, Tq. & Dist. Latur
- 6] The Tribe Certificate Verification
Committee, Kinwat at Aurangabad

.. Respondents

AND

WRIT PETITION NO. 12984 OF 2021

Dnyaneshwari D/o Somnath Boyane

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai
- 2] The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director [R]
Dist. Aurangabad

- 3] The Principal,
Ashtang Ayurved College,
2062 (New), Vijaynagar Colony,
Sadashiv Peth, Pune
Dist. Pune
- 4] The Registrar,
Maharashtra University of Health
Sciences, Dindori Road, Mhasrul /
Nashik, District – Nashik
- 5] The Principal
Rajarshi Shahu College
Latur, Tq. & Dist. Latur
- 6] The Tribe Certificate Verification
Committee, Kinwat at Aurangabad

.. Respondents

...
Advocate for petitioner in both WPs : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. S.K. Tambe
Respondent no. 6 added as per Court's order dated 03-08-2023 in both WPs
...

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

DATE : 03 AUGUST 2023

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

Leave granted to add Tribe Certificate Verification Committee, Kinwat, Headquartered at Aurangabad as a party respondent in both writ petitions. Amendment to be carried out forthwith. Learned AGP waives service even for the added respondent.

2. Heard both the sides finally at the stage of admission in view of the urgency.

3. After hearing both the sides for a while, it transpires that the petitioners in both the petitions are challenging the selfsame order passed by the respondent - scrutiny committee which invalidated their tribe certificate as belonging to *Koli Mahadev* scheduled tribe. In-fact, it was a common order in respect of the proposals of these two petitioners and one Rushikesh who is their real brother. By the order dated 11-03-202 in writ petition no. 12980 of 2021 and connected petitions, Rushikesh's petition was allowed subject to certain conditons expressly mentioning that the writ petitions of present petitioners would be decided independently.

4. All the three individuals are real siblings whose claims were considered and decided simultaneously by a common order. Once a co-ordinate bench of this Court in the matter of Rushikesh has allowed the writ petition and directed conditional validity to be issued to him, we cannot take inconsistent view.

5. We allow the two writ petitions partly, quash and set aside the impugned order even to the extent of these two petitioners.

6. The respondent – committee shall now immediately issue the tribe validity certificates to both the petitioners as belonging to "*Koli Mahadev*" scheduled tribe.

7. The validities of the petitioners shall be subject to the decision by the committee to be taken by it in respect of the re-opened cases.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/