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

941 WRIT PETITION NO. 2497 OF 2021

Sunil Bhaurao Sapkal,
Age: 39 years, Occu: Service,
R/o. At & Post Sapkalwadi, Tq. Sillod,
Dist. Aurangabad

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Home Department, Word Trade Centre,
Building No.1, 30th floor, cuffe parade,
Mumbai

2. The Director,
Directorate of prosecution,
Maharashtra State, Khetan Bhavan,
Flat No.8, 5th floor,
J. Tata Road, Churchgate,
Mumbai-400 020

3. The Scheduled Tribe Certificate
Verification Committee Aurangabad,
Through its Member Secretary,
Aurangabad

....RESPONDENTS

....

Mr O. B. Boinwad, Advocate for petitioner
Mr S. R. Wakale, A.G.P. for respondent Nos.1 to 3

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 28th November, 2024

JUDGMENT : (PER : Prafulla S. Khubalkar, J.)

1. Rule. Rule made returnable forthwith and heard finally by consent of the learned Advocates for the respective sides.

2. By this writ petition, the petitioner has raised challenge to the order dated 18/01/2021, passed by respondent No.3/Scrutiny Committee, thereby invalidating his caste claim for 'Koli Malhar' Scheduled Tribe. This order of the Scrutiny Committee is a common order in the matter of Nilesh Dilip Sapkal and petitioner Sunil Bhaurao Sapkal.

3. The impugned order was also a subject matter of challenge in a petition filed by Nilesh Dilip Sapkal bearing Writ Petition No.2515/2021, which was finally decided by the judgment and order dated 12/02/2021, by which the said writ petition was allowed.

4. Since the impugned order was a subject matter of scrutiny in Writ Petition No.2515/2021, which is decided on the basis of elaborate reasoning by the judgment dated 12/02/2021, the instant petition also needs to be allowed for the same reasons.

5. It has to be noted that another close relative of petitioner, Shri. Prakash Daulatrao Sapkal had earlier filed Writ Petition

(3)

No.1665/1996 challenging the order of invalidation of his claim. The said writ petition was allowed by judgment dated 22/04/1997. While deciding Writ Petition No.2515/2021, the said order in Writ Petition No.1665/1996 was taken note of and the final orders in Writ Petition No.2515/2021 are subject to review, if any, of the said order in Writ Petition No.1665/1996. Hence, we pass the following order :-

- (a) This writ petition is allowed.
- (b) The impugned order is quashed and set aside to the extent of petitioner also.
- (c) The Scrutiny Committee shall immediately issue validity certificate of 'Koli Malhar' Scheduled Tribe to the petitioner.
- (d) In case, the Scrutiny Committee seeks review of the order passed by this Court on 22/04/1997 in Writ Petition No.1665/1996, then the respondents are at liberty to take appropriate steps against present petitioner also.

6. Rule is made absolute in the above terms.

7. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk