



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

WRIT PETITION NO. 10003 OF 2023

Bibishan Shrirang Sonune .. Petitioner
Versus
The State of Maharashtra and another .. Respondents

Shri Deepak D. Choudhari, Advocate for the Petitioner.
Shri R. S. Wani, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 09 SEPTEMBER 2024.**

FINAL ORDER :

. Heard both the sides finally in view of the exigency expressed by the petitioner.

2. The petitioner is challenging order of the respondent No. 2/Scrutiny Committee passed in a proceeding U/Sec. 7 of the Maharashtra Act No. XXIII of 2001, refusing to validate his 'Koli Malhar' scheduled tribe certificate.

3. Having heard both the sides and having perused the impugned order as also original files, irrespective of the stand of the present committee regarding existence of few contrary entries and few manipulated entries wherein the petitioner's blood relatives were described as Koli and in some of those entries word Malhar has been added subsequently, we need not conduct objective scrutiny of the inference in that respect drawn by the Committee, as the Committee will have to undertake due process

of law if at all it is of such a strong view about the validity holders having concealed/manipulated the record while obtaining certificates of validities. The validity holders are not before us and any observation made in that respect would have a bearing on the matters to be reopened by the Committee.

4. The fact remains that, as mentioned by the Committee there are several validities in the family. Vinay Dnyaneshwar Sonune who is admittedly related to the petitioner by blood was held entitled to have certificate of validity by this Court in Writ Petition No. 8635 of 2024 vide order dated 23 August 2024. If such is the state of affairs, the petitioner is entitled to have a certificate of validity irrespective of the allegations regarding fraud attributable to the initial person, who had suffered invalidation Mr. Subhash Shravan Sonune, but was able to obtain a fresh certificate and got it validated.

5. The writ petition is allowed partly. The impugned judgment and order is quashed and set aside. The Committee shall issue validity certificate to the petitioner of 'Koli Malhar' scheduled tribe immediately in prescribed proforma. It shall be co-terminus with the validities in the family, which the Committee has decided to reopen. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME J.)

(MANGESH S. PATIL, J.)