



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

WRIT PETITION NO. 9096 OF 2024

Shubhangi Pandurang Adbalwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

WITH

WRIT PETITION NO. 4624 OF 2024

Suraj Tukaram Adbalwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

WITH

WRIT PETITION NO. 939 OF 2024

Pandurang Shankarrao Adbalwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

WITH

WRIT PETITION NO. 9122 OF 2024

Shailendra Pandurang Adbalwad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner in all matters.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2 in all matters.

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

DATE : 09 SEPTEMBER 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally considering exigency in the matter.

2. The petitioners are blood relatives and their tribe certificates are invalidated by common judgment and order dated 03.01.2024 passed by the respondent No. 2/Scrutiny Committee. As there is common record as well as genealogy, we propose to decide these petitions by common order. For the sake of convenience, we are referring to the papers in the matter of Shubhangi Pandurnag Adbalwad in Writ Petition No. 9096 of 2024.

3. The petitioners are relying on the validity certificates issued to Madhukar, Yogesh, Umesh and others. More specifically the names of the validity holders have been reflected and referred to in the reply filed by the petitioners to the vigilance report. Out of them Neha and Nisha were issued with the validity certificates by the orders of the High Court. The learned counsel for the petitioners submits that the certificates of validity were issued by following due procedure of law and would enure to the benefit of the petitioners. He would further submit that Madhav is the first validity holder in whose case vigilance enquiry was conducted.

4. It is further contended that there was common vigilance enquiry in the matter of petitioner Suraj, Shubhangi and Umesh. So far as Umesh is concerned, he was issued with the validity certificate by the High Court. In such circumstances on the ground of party, the petitioners are entitled to receive the validity certificates. It is informed that the petitioners are ready to run the risk of facing consequences as contemplated in the

matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018.**

5. The learned Additional Government Pleader supports the impugned judgment and order. He would submit that the Scrutiny Committee has rightly discarded the validity certificates which were obtained by suppression of material facts and playing fraud. Incompatible school record was noticed by the Committee. The Committee has issued show cause notices to the earlier validity holders. It is further submitted that, though Madhav's validity is unreliable because validity certificates of maternal side relatives were relied upon.

6. We have considered rival submissions of the parties. The relationship of the petitioners with the validity holders has not been disputed. Madhav Maruti Adbalwad is the first validity holder in whose case vigilance enquiry was conducted. Thereafter by a speaking order he was issued with the validity certificate. Apparently he was issued with validity certificate by following due procedure of law and it would enure to the benefit of the petitioners.

7. It is a matter of record that a common vigilance enquiry was conducted in the matter of petitioner -Shubhangi and one Umesh. Umesh was issued with validity certificate pursuant to order passed on 28 August 2021 in Writ Petition No. 9087 of 2021. It is obvious that self same record has already been

scrutinized in the matter of Umesh and, therefore, there is no need to again reexamine the record. In case of Neha Shivajirao Adbalwad and Nisha Shivajirao Adbalwad, by common judgment dated 23 July 2018 in Writ Petition No. 7476 of 2018 respectively they were issued with validity certificates. In case of three blood relatives of the petitioners, the validity certificates were issued by orders of the High Court. We are of the considered view that the petitioners are also entitled to receive validity certificates on the ground of parity.

8. The learned Addl. G. P. has informed that show cause notices are issued to the earlier validity holders. It would be upto the Scrutiny Committee to examine the incompatible school record so as to find out whether there is suppression of material facts or fraud. Till the validity certificates of earlier validity holders are intact, the petitioners are entitled to receive validity certificates.

9. The petitioners are ready to run the risk of facing consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra). We find that the petitioners are entitled to receive validity certificates conditionally. We, therefore, pass following order.

ORDER.

- a. The writ petitions are allowed partly.
- b. The impugned common judgment and order dated

03.01.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

c. The respondent No. 2/Scrutiny Committee shall issue validity certificates to the petitioners as belonging to 'Mannervarlu' scheduled tribe immediately in prescribed proforma.

d. The validity certificates of the petitioners shall be co-terminus with the validity certificates of the blood relatives of the petitioners who are facing reverification.

e. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb / Sept. 24