



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

WRIT PETITION NO. 3656 OF 2024

**TANVI SHYAM LAKHMAWAR
THROUGH POWER OF ATTORNEY HOLDER
SHYAM DATTRAM LAKHMAWAR**

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondent/State : Mr. P.P. Dawalkar

...

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

DATE : 25 JUNE 2024

PER COURT :

. Heard both the sides finally at the stage of admission.

2. The petitioner is challenging the judgment and order passed by the respondent/Scrutiny Committee in a proceeding under the Maharashtra Act No.XXIII of 2001 whereby her tribe certificate has been confiscated and canceled.

3. Admittedly the petitioner's father Sham was directed to be issued with a certificate of validity by the order of this Court passed way back in the year 1993. It is no body's case that the order of this Court in the matter of Sham has ever been put to any challenge or any attempt has been made to apply for its review. It would be highly impermissible for any authority at this stage to circumvent this

decision of the High Court which has been holding the field for more than thirty years. Even Sham's brother Nagesh was also directed to be issued with a certificate of validity by Division Bench of this Court way back on 06.03.1991.

4. Considering such validities in the family that itself should have been sufficient for the present Committee to validate the petitioner's claim. It would be too bold for the Committee now to take a stand that even the steps can be taken for resorting to review of the two orders of this Court in the matter of Nagesh and Sham.

5. Be that as it may, in the normal course we would have allowed the petition out-rightly but for the observations and the liberty granted by a coordinate bench while deciding the matters of Atharva Nagesh Lakhmawar Vs. State of Maharashtra and Others, Writ Petition No.273/2022 and Niraj Nagesh Lakhmawar through Power of Attorney holder Nagesh Dattaram Lakhmawar, Writ Petition No.14805/2021, wherein validity of the certificates was directed to be subject to the final outcome of the matters which the Committee intended to reopen and also depending upon the review if any to be preferred in respect of the orders of this Court in the matter of Nagesh and Sham

6. The Writ Petition is allowed partly. The impugned order is quashed and set aside.

7. The respondent/Scrutiny Committee shall issue certificate of

validity of 'Mannervarlu' to the petitioner immediately. It shall be subject to the final outcome of review if any of the orders of this Court and the final decision in the matters which the Committee intends to reopen in respect of the validity holders.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..