



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 WRIT PETITION NO. 3743 OF 2022

Ankush Murlidhar Wallamwad

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondent Nos. 1 and 3: Mrs. Pratibha J. Bharad

Advocate for Respondent No.2 : Mr. S.A.Mulla h/f Mr. R.K.Ingole

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AND

49 WRIT PETITION NO. 3806 OF 2022

Prakash Ramchandra Wallamwad

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondents: Mr. N.D. Raje

.....

AND

50 WRIT PETITION NO. 3807 OF 2022

Suresh Lulaji Wallamwad

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondent Nos. 1 and 6: Mr. K.K. Naik

.....

AND

51 WRIT PETITION NO. 3862 OF 2022

Lulaji Thamaji Wallamwad

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Chandrakant R. Thorat

AGP for Respondents: Mrs. M. N. Ghanekar

.....
AND
WRIT PETITION NO. 3787 OF 2022

Aasaram Baburao Wallamwad
VERSUS
The State of Maharashtra and others

...
Advocate for the Petitioner : Mr. Chandrakant R. Thorat
AGP for Respondents: Mrs. Pratibha J. Bharad
.....

**CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.
DATED : 25 NOVEMBER 2024**

PER COURT :-

Writ petition No. 3787 of 2022 is not on board. On being mentioned, taken on board.

2. These are separate writ petitions filed by five individuals, who are related by blood from paternal side, taking exception to the common judgment and order dated 28.02.2022 of respondent - scrutiny committee, in a proceeding under Section 7 of the Maharashtra Act No. XXIII of 2001, whereby instead of validating the tribe claim of the petitioners, the committee has confiscated and cancelled their 'Mannervarlu' scheduled tribe certificates.

3. In fact, the impugned order was a common order in respect of the present petitioners and three more individuals, Rohan

Prakashrao Wallamwad, Aboli Rajesh Wallamwad and Pawan Suresh Wallamwad. They had challenged the selfsame judgment and order in writ petition Nos. 4844 of 2022 and 4872 of 2022. By common order dated 10.10.2023, the petitions were allowed partly and the petitioners therein were held entitled to have certificates of validity subject to final outcome of the matters, which the committee had decided to reopen.

4. Since the impugned judgment and order has already been quashed and aside for the reasons recorded in the matter of Rohan Prakashrao Wallamwad and others, we are bound by the said decision and the reasons assigned therein and we cannot undertake independent scrutiny of sustainability of the impugned judgment under challenge.

5. Again, it is also being pointed out that few other blood relatives *viz.* Arjun Dagdiram Wallamwad and others in writ petition No. 7747 of 2021, by order dated 19.8.2023, have also been held to be entitled to have certificates of validity subject to the aforementioned conditions.

6. The writ petitions are allowed partly.

7. The impugned judgment and order is quashed and set aside even to the extent of all five petitioners for the reasons recorded in the matter of Rohan Prakashrao Wallamwad and others.

8. The committee shall immediately issue tribe validity certificates to the petitioners of 'Mannervarlu' scheduled tribe, which shall be subject to the final outcome of the matters of validity holders, which the committee has decided to re-open.

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

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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