



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

WRIT PETITION NO. 3386 OF 2024

ABHILASH CHANDRAKANT BUDHWARE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

...

Shri R.K. Mendadkar, Advocate h/f Shri Boinwad Omgashad B.
and A.B. Kharosekar, Advocates for the Petitioner.

Ms. S.S. Joshi, AGP for Respondent Nos.1 and 3/State.

Shri Anil M. Gaikwad, Advocate for Respondent No.2.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 03rd December, 2024

Per Court :-

Heard both the sides finally.

2. The petitioner is challenging the order of invalidation and consequent order of termination, passed by respondent No.3/Scrutiny Committee and respondent No.2/Company, respectively.

3. It is being pointed out that during the pendency of this petition, two blood relatives of the petitioner by name Ms.Nayan Baliram Budhware and Ms.Poonam Shivram

Budhware, who had also faced similar invalidation, were held entitled to have the certificates of validity by this Court in their respective Writ Petitions bearing Writ Petition No.9759/2024 filed by Ms.Nayan decided on 05.09.2024 and Writ Petition No.10601/2024 filed by Ms.Poonam decided on 27.09.2024.

4. The learned AGP, after going through the original papers of the Scrutiny Committee, confirms the fact that though Nayan and Poonam cannot be seen in the genealogy furnished by the petitioner, their fathers Baliram and Shivram can be seen in the genealogy. Independently, even in Nayan's matter, she was relying upon the genealogy wherein, the petitioner can be traced.

5. Since these circumstances would indicate that Nayan and Poonam are related to the petitioner by blood and like the petitioner they were relying upon the validity of Poonam's father Shivram, even the petitioner is entitled to have a certificate of validity subject to the same terms and conditions as have been indicated in the matters of Nayan and Poonam.

6. The Writ Petition is allowed in the following terms:-

(a) The impugned order of respondent No.3/ Scrutiny

Committee, as also, the order of termination passed by respondent No.2, are quashed and set aside.

(b) Respondent No.3/ Committee shall immediately issue a certificate of validity to the petitioner of 'Koli Mahadev', Scheduled Tribe.

(c) The petitioner shall produce the certificate of validity before respondent No.2.

(d) Respondent No.2 shall thereafter, reinstate the petitioner.

(e) The grant of validity to the petitioner, shall be subject to the outcome of the matter, which the Committee has decided to reopen.

(f) The petitioner shall not be entitled to claim equities.

kps

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