



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

WRIT PETITION NO. 8506 OF 2021

Prashant Mahadev Awale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. P. Dawalkar, A.G.P. for the Respondent Nos. 1 to 3.

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

DATE : 02 AUGUST 2024.

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

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

2. Petitioner is challenging judgment and order dated 16.02.2021 thereby confiscating and invalidating his tribe certificate of 'Koli Mahadev' scheduled tribe. He seeks to rely upon validity certificate issued to his real sister Shridevi on 29.04.2011, Saraswati, Somnath and Ambika. He tenders on record judgment dated 08.11.2023 passed by this Court in Writ Petition No. 14197 of 2023.

3. The learned Assistant Government Pleader opposes the submissions of the petitioner. He would submit that there are contrary entries of Indrajit, Mahadu, Subhash, Madhukar and

Sudhakar. Invalidation of Indrajit Shankar Awale was suppressed while securing validities by family members of the petitioner including Shridevi and Madhukar. The learned A. G. P. submits that Scrutiny Committee is justified in rejecting the caste claim.

4. We have considered rival submissions of the litigating sides. Petitioner's real sister Shridevi is first validity holder. His uncle Madhukar and his daughters Ambika and Yashoda were also issued with the validity certificates. Pertinently, Ambika and Yashoda were issued with the validity certificates by High Court in Writ Petition No. 14197 of 2023 vide judgment dated 08.11.2023. We adopt the reasoning assigned by the coordinate Bench. The self same record is under consideration in the present matter. We have no hesitation to hold that the petitioner is also entitled to the validity certificate.

5. Independently, we have considered the vigilance report in the case of petitioner's sister Shridevi. The school entry of Mahadu Venkatrao Awale of 1955 was found to be genuine. Shridevi was issued with the validity certificate by the Committee by a speaking order. The petitioner also deserves validity certificate. Impugned judgment and order is liable to be quashed and set aside. The petitioner is ready to run the risk 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**. We, therefore, pass following order :

O R D E R

- A. The writ petition is allowed partly.
- B. The impugned judgment and order dated 16.02.2021 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue validity certificate of 'Koli Mahadev' (Scheduled Tribe) to the petitioner immediately, which shall be co-terminus with the outcome of reverification of validity certificates proposed by the scrutiny committee.
- D. The petitioner shall not be entitled to claim equities.
- E. The writ petition is disposed of.

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

bsb / Aug. 24