



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 WRIT PETITION NO. 13479 OF 2024

SURAJKUMAR KONDIBA JATALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHER
WITH
WRIT PETITION NO. 3734 OF 2007
WITH
CIVIL APPLICATION NO. 7933 OF 2007
IN WP/3734/2007

DIGAMBAR S/O BHIMRAO JATALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner in WP/13479/2024 : Mr. Sushant C. Yeramwar
Advocate for the Petitioner In WP No. 3734 of 2007 : Mr. Sagar Phatale
AGP for Respondent/State : Ms. P. J. Bharad

...
CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 17.12.2024

PER COURT :

Heard both the sides in both the matters finally.

2. Petitioners are challenging the orders of the Respondent-Scrutiny Committee in their respective claims refusing to validate their '*Koli Mahadev*' scheduled tribe certificates.

3. We have heard both the sides and perused the original record.

4. It is being pointed out that the petitioner Surajkumar Kondiba Jatale's first degree cousin Dhiraj Pundlikrao Jatele was granted a certificate of validity by the order of this Court. It is also being pointed out that the

second degree cousin of Dhiraj Pundlikrao Jatale and Petitioner's father Kondiba Shivram Jatele, by name Vishvanath Namdev Jatale was granted certificate of validity by the then committee in the year 2010. Their another second degree cousin Madhav Nagnath Jatale was also granted certificate of validity in the year 2008 by the then committee. Petitioner Digambar S/o Bhimrao Jatale is also related to Dhiraj Pundlikrao Jatale and Madhav Nagnath Jatale and father of the petitioner Kondiba Shivram Jatale as their second degree cousin. Incidentally, High Court also validated claim of Vinayak S/o Vishwanath Jatale in the year 2011 and apart from these individuals, one Siddhant Vittal Jatale and Shubham Vitthal Jatale was distant cousin of the Petitioner Suraj and nephews of Madhav Nagnath Jatale and Digambar Bhimrao Jatale were also held entitled to have similar certificates of validity by the order of this Court.

5. True it is that in spite of a blanket validity granted to Vinayak Vishwanath Jatale pursuant to the order of this Court while granting a validity certificate to Siddhant Vitthal Jatale and Shubham Vitthal Jatale, it was directed that their validity would be subject to the decision in the case of validity holders relied upon by them, perhaps because the committee had observed that it would be undertaking re-scrutiny of the certificates of validity holders for alleged fraud. However, equally it was also declared that Siddhant's and Shubham's certificates of validity had also been co-terminus of the validity of Vinayak Vishwanath Jatale, if at all, the statement in that matter was to be reviewed.

6. The fact remains that Vinayak Vishwanath Jatale has been granted a clear certificate of validity pursuant to the order of this Court and the Petitioners being related to not only him but other validity holders as is being confirmed by the learned AGP after going through the original record, the Petitioners are entitled to have a certificate of validity.

7. The writ petitions are allowed. The impugned order is quashed and set aside. The committee shall immediately issue certificates of validity to both the petitioners of "*Koli Mahadev*" scheduled Tribe.

8. Pending Civil Application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/