



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

65 WRIT PETITION NO. 7528 OF 2024

GANGASAGAR D/O BABU KACHKALWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondent nos. 1 and 2 : Mrs. V.N. Patil-Jadhav

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WRIT PETITION NO. 7522 OF 2024

SUNIL S/O BALWAN KACHKALWAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondent nos. 1 and 2 : Mrs. V.N. Patil-Jadhav

Advocate for Respondent nos. 3 & 4 : Mr. H.V. Patil

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

DATE : 18.11.2024

PER COURT :

The petitioners, by way of these separate writ petitions, are challenging the common order dated 24.06.2024 of respondent no.2- scrutiny committee, refusing to validate and rather confiscating and cancelling their 'Mannervarlu' scheduled tribe certificates.

2. Having heard both the sides for a while it appears that the impugned order was a common order in respect of these two petitioners and one Ashishkumar Sainath Kachkalwad, obviously because, the committee treated all of them as related by blood from the paternal side, else there would not have been any reason for the committee to pass the common order.

3. Ashishkumar Sainath Kachkalwad had challenged that decision in

Writ Petition No. 7434/2024. By the order dated 29.07.2024, for the reasons assigned therein, the self-same order, which is impugned in both these petitions, was quashed and set aside to his extent and he was directed to be issued with a certificate of validity subject to the usual conditions.

4. Since the present matters arise out of the same impugned judgment and order, we are bound by the reasoning adopted by the Division Bench in the matter of Ashishkumar Sainath Kachkalwad, to which one of us (Mangsh S. Patil, J.) was a party.

5. For the self-same reasons as have been recorded in the matter of Ashishkumar, we allow the writ petitions partly.

6. The impugned judgment and order dated 24.06.2024, passed by respondent no. 2-scrutiny committee is quashed and set aside.

7. The respondent no 2-scrutiny committee shall issue certificates of validity to the petitioners immediately of 'Mannervarlu' scheduled tribe in the prescribed proforma, without adding anything.

8. The said validity certificates shall be subject to the final outcome of the matters of the validity holders which the committee has decided to reopen.

9. The earlier validity holders, whose validity certificates are reopened by the Committee shall cooperate with the scrutiny committee in the matters of reverification.

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

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-