



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

WRIT PETITION NO. 7444 OF 2024

Om Prakash Sirsewad

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.

Shri D. R. Korde, A.G.P. for the Respondent Nos. 1 and 2.

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

DATE : 18 JULY, 2024.

FINAL ORDER :

. Issue notice to the respondents. Learned A. G. P. waives service for all respondents.

2. Petitioner is challenging the order of invalidation.

3. It is a matter of record that similar claim of the petitioner's sister Priyanka Prakash Sirsewad was invalidated by the Committee on 30 June 2018. In Writ Petition No. 7541 of 2018 by the order dated 23 July 2018 (Principal Seat), based on the validities possessed by petitioner's father Prakash and several other validity holders in the family and following the decision in the matter of Apoorva D/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No. 1 and others reported in *2010*

(6) *Mh. L. J. 401*, sister of the petitioner was directed to be issued with the certificate of validity subject to final outcome of the matters, which the Committee had intended to reopen.

4. Till date the Committee has not been able to take the matters of those validity holders to its logical end.

5. Petitioner being real brother of Priyanka cannot be discriminated. Needless to state that he would run the risk of facing consequences 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.**

6. Writ petition is allowed partly. Impugned judgment and order dated 25.04.2024 is quashed and set aside. The respondent/Scrutiny Committee shall issue validity certificate to the petitioner as belonging to 'Mannervarlu' (Scheduled Tribe). Same shall be subject to outcome of the matters which the Committee has decided to reopen of the validity holders relied by the petitioner. The petitioner shall not be entitled to claim equities.

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

bsb/July 24