



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

**WRIT PETITION NO. 7434 OF 2024**

Ashishkumar Sainath Kachkalwad .. Petitioner

**Versus**

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.  
Shri P. P. Dawalkar, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND  
SHAILESH P. BRAHME, JJ.  
DATE : 29 JULY, 2024.**

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

. Heard both the sides finally.

2. Petitioner is challenging judgment and order dated 24 June 2024 passed by the respondent No. 2/Scrutiny Committee confiscating and invalidating tribe certificate of the petitioner of 'Mannervarlu' (Scheduled Tribe). Petitioner relies on validity certificates issued to various members of the family who are paternal side relatives, especially reliance is placed on validities of Uttam, who is the first validity holder, Anil, Vaishnavi and Pranav.

3. Learned counsel would submit that the validity certificates of Uttam and Anil were issued by following due procedure of law.

It is further submitted that validity certificates to Vaishanavi and Pranav were issued by the intervention of this Court.

4. Learned Assistant Government Pleader would support the impugned judgment and order. He would submit that the Scrutiny Committee has considered all aspects of the matter. The validity certificates which are sought to be relied by the petitioner were obtained by suppressing material facts. The committee has issued show cause notice for reverification and, therefore, the petitioner is not entitled to validity certificate. The learned A. G. P. would further submit that earlier holders are not cooperating with the scrutiny committee.

5. We have considered submissions of the parties. We have also gone through the genealogy produced on record by the petitioner. The relationship of the petitioner with the validity holders has not been disputed. It reveals from the record that Uttam Rajendra Kachakalwad is the first validity holder, who was issued with the validity certificate on 06.11.2008. It further reveals that vigilance enquiry was conducted in the case of Uttam and thereafter by speaking order scrutiny committee issued validity certificate. Similar is the case with Anil Balwan Kachkalwad. We are of the considered view that both these validity certificates were issued by following due procedure of law. They corroborate the claim of the petitioner.

6. It further reveals from the record that Vaishnavi and

Pranav were issued with the validity certificates by the distinct orders passed by this Court on 22 August 2019 in Writ Petition No. 9013 of 2019 and Writ Petition No. 9026 of 2019 respectively. In both the matters the reliance was placed on the validity certificates issued to Uttam Rajaram Kachakalwad. When self same record has undergone scrutiny by the scrutiny committee as well as by the High Court, we find that the petitioner is entitled to the validity certificate.

6. As the petitioner is ready to abide by the conditions as contemplated in the matter **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**, it would be appropriate to issue validity certificate to the petitioner on certain conditions. Impugned judgment and order is unsustainable. We, therefore, pass following order :

### **O R D E R**

a. The impugned judgment and order dated 24.06.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

b. The respondent No. 2/Scrutiny Committee shall issue certificate of validity to the petitioner immediately of 'Mannervarlu' (Scheduled Tribe) in the prescribed proforma without adding anything.

- c. The said validity certificate shall be subject to the final outcome of the matters of the validity holders which the committee has decided to reopen.
- d. The earlier validity holders whose validity certificates are reopened by the Committee shall co-operate with the scrutiny committee in the matters of reverification.
- e. The petitioner shall not be entitled to claim equities.
- f. The writ petition is allowed in above terms.

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

*bsb/July 24*