



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7616 OF 2024

- 1) Abhishek s/o Manohar Gajulwar,
Age 18 years, Occ. Education,
R/o. Plot No. 61, Ashtvinayak Nagar,
Malegaon Road, Taroda Khu. Nanded,
Tq. & Dist. Nanded.

- 2) Khushi d/o Manohar Gajulwar,
Age 19 years, Occ. Education,
r/o. As above.

... Petitioners

VERSUS

- 1) The State of Maharashtra.
- 2) Scheduled Tribe Certificate
Scrutiny Committee, Kinwat,
Head Office Chhatrapati Sambhajinagar,
Through its Member Secretary

... Respondents

...

Advocate for Petitioners : Mr. Choudhari Deepak D & Vijay G. Gangalwad
A.G.P for Respondents/State : Mr. S.P. Joshi

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

DATE : **22.07.2024**

PER COURT :

Heard both the sides finally.

2. The petitioners are challenging the order of invalidation.
3. Considering the exigencies inasmuch as the petitioner no. 1 can secure admission latest by submitting the certificate of validity by 17:00 hours today, the matter has been taken up for final hearing. The learned

A.G.P. was requested to fetch the file from the scrutiny committee.

4. Though the committee has assigned several other reasons for invalidating the petitioners' claim, as is appearing in the impugned order, the petitioners have been relying upon several validities in the family, few of which have been granted pursuant to the orders of this Court in the matter of Gamyashri D/o Venkatrao Gajulwar.

5. Gamyashri was held to be entitled to a certificate of validity subject to the final outcome of the matters which the committee has decided to reopen of the validity holders for the reasons mentioned in the order dated 15.01.2021 passed in Writ Petition No. 179/2021.

7. In turn Gamyashri was relying the earlier order of this Court in the matter of her real sister Gamanashree in Writ Petition 8930/2018 dated 03.08.2018.

8. Needless to state that, even if the committee intends to undertake a fresh scrutiny of the matters of the validity holders, till the time it does not confiscate and cancel those certificates of validity by following due process of law, its benefit cannot be refused to the petitioners. It would be a long drawn process wherein show cause notices will have to be issued, hearing will have to be conducted. Even if the decision goes against the validity holders, it would be further susceptible to a challenge under section 7(2) of the Maharashtra Act XXIII of 2001, read with Article 226 of the Constitution of India, by which time the petitioners would have lost precious years of their educational career.

9. The Writ Petition is partly allowed.

10. The impugned order is quashed and set aside. The respondent no. 2-Committee shall immediately issue certificates of validity to the petitioners as belonging to 'Mannervarlu-27' scheduled tribe, by 4 p.m. today.

11. The validity of the certificates to be issued to the petitioners shall be subject to the final outcome of the matters, which the committee has decided to reopen.

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

13. Since the order is dictated in open court and in presence of the learned A.G.P and the Law Officer of the committee, the order shall be immediately communicated to the committee without waiting for certified copy.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-