



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 WRIT PETITION NO. 7718 OF 2024

1. Mayur S/o Narayan Rudre
2. Bhagyashree D/o Bhimrao Rudre
3. Aditya S/o Narayan Rudre
4. Rohit S/o Babasaheb Rudre

.. Petitioners

Versus

The State of Maharashtra
Through its Secretary and others

.. Respondents

...

Advocate for petitioners : Mr. S.M. Vibhute
AGP for the respondent – State : Mr. P.P. Dawalkar

...

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

DATE : 24 JULY 2024

ORAL ORDER (MANGESH S. PATIL, J.) :

Petitioners are challenging the common judgment and order of the scrutiny committee – respondent no. 2, directing confiscation and cancellation of their 'Koli Mahadev' scheduled tribe certificate.

2. Issue notice. Learned AGP waives service.

3. At the joint request, the matter is heard finally.

4. As is evident, the impugned order is a common order, obviously because the committee accepted all of them to be related by blood from the paternal side. Even the genealogy was produced before the committee on an affidavit of petitioner Rohit's

father – Babasaheb who himself is a validity holder. This genealogy clearly demonstrates the relationship amongst the petitioners inter se. One Santoba Rudre was the common ancestor, survived by three sons Chudaji, Limbaji and Gunaji. Petitioner no. 4 – Rohit is the great grandson of Santoba, whereas the other petitioners are great grand children of Santoba through Chudaji.

5. It is also being pointed out that petitioner no. 4 – Rohit's real sisters Asmita and Sneha have been held entitled to have certificates of validity by the orders of this Court in writ petitions no. 8164 of 2020 and 9479 of 2023.

6. Learned advocate for the petitioners submits that in view of these facts, even the petitioners are ready to have the certificates of validity conditionally and they are ready to face the consequences as contemplated in ***Shweta Balaji Isankar Vs. State of Maharashtra and others*** (writ petition no. 6320 of 2017).

7. Since this Court has already issued certificates of validity to the real sisters of petitioner – Rohit, he as also the other petitioners cannot be deprived of the benefit. Incidentally, petitioner – Mayur and Aditya's father Narayan Bhimrao possesses certificate of validity.

8. Writ petition is allowed partly.

9. The impugned order is quashed and set aside.

10. The respondent - committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without adding anything.
11. The validities shall be subject to the final outcome of the matters which the committee has decided to re-open.
12. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/