



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

WRIT PETITION NO. 7890 OF 2024

Shriniwas Sayabu Charkewad .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioner.
Shri R. S. Wani, 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 :

. Petitioner is challenging the order of tribe invalidation.
Issue notice for final disposal to the respondents. Learned A. G.
P. waives service for both respondents.

2. Considering the fact that the petitioner intends to secure
admission through NEET-UG-2024 matter is heard finally at the
admission stage.

3. Learned advocate for the petitioner points out that the
petitioner's father Sayabu possesses the validity certificated
issued to him on 06 November, 2007. Based on that even this
Court directed certificate of validity to be issued to his brother
Chandrashekhar Sayabu Charkewad by the order dated 06

January 2022 in Writ Petition No. 132 of 2022. Learned advocate for the petitioner submits that petitioner is ready to run the 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** and he further submits that he may be granted certificate validity conditionally.

4. Learned Assistant Government Pleader submits that inspite of attempts by the Committee in the matter of petitioner's father to undertake re-scrutiny, he has not been cooperating as has been mentioned in the impugned judgment. Even if conditional validity is to be directed to be issued, further condition be added so as to compel the petitioner's father to cooperate with the Scrutiny Committee in early decision in the reopened matter.

5. Considering the rival submissions, without going into the merits independently regarding sustainability of the order for the reasons mentioned therein, since the petitioner's real brother Chandrashekhar Sayabu Charkewad has been held entitled to derive benefit of validity of his father Sayabu, till the time Saybu's certificate is not confiscated and cancelled, petitioner cannot be deprived of deriving the benefit, more so when he is ready to face the consequences as contemplated in the matter of **Shweta Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra), we allow the petition partly.

6. The writ petition is partly allowed. The impugned judgment and order dated 22.07.2024 passed by the respondent No. 2/Scrutiny committee is quashed and set aside. The respondent No. 2/Scrutiny Committee shall issue certificate of validity to the petitioner of 'Koli Mahadev' (Scheduled Tribe) immediately in the prescribed proforma without adding anything. The said validity certificate shall be coterminous with that of Saybu's validity. Certificate of validity possessed by the petitioner would also be subject to condition that his father Sayabu cooperates with the Committee in early decision of his reopened matter without skipping even a date in reopened matter. The petitioner shall not be entitled to claim equity.

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

bsb/July 24