



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

WRIT PETITION NO. 8029 OF 2024

Yash Dhanraj Kore through
Guardian Dhanraj Bhalchandra Kore .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Vivekanand U. Jadhav, Advocate for the Petitioner.
Shri S. P. Joshi, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 08 AUGUST, 2024.**

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

. Heard both the sides finally.

2 Petitioner is aggrieved by invalidation of his tribe claim at the hands of the respondent No. 2/Scrutiny Committee vide judgment and order dated 23.07.2024.

3. In view of certificate of validity granted to his real sister Shrushti by the High Court in Writ petition No. 1662 of 2022, petitioner claims the validity. Besides that he also relies on the validity certificate of his father and uncle.

4. The learned Assistant Government Pleader supports the impugned judgment and order. He submits that school record of the close relatives of the petitioner was found to be incompatible

with the tribe claim and tampering was noticed in the record of Ganpat which resulted in rejection of the tribe claim. Validity certificates relied by the petitioner are rightly discarded by the Scrutiny Committee.

5. We have gone through the order passed by the Coordinate Bench in the matter of Shrushti Dhanraj Kore in Writ Petition No. 1662 of 2022, who is real sister of the petitioner. The self same record was considered by the High Court. We adopt same reasoning in the present matter also. It is not permissible to take any contrary view when validities are issued to the close blood relatives of the petitioner.

6. The petitioner is ready to 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**. We propose to adopt the same course as done in the matter of his sister. Petitioner deserves to be issued with validity certificate conditionally.

7. In that view of the matter, impugned judgment and order is liable to be quashed and set aside. We, therefore, pass following order :

O R D E R

a. The writ petition is partly allowed.

- b. Impugned order dated 23.07.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- c. The respondent No. 2/Scrutiny Committee shall immediately issue certificate of validity to the petitioner of 'Koli Mahadev' (Scheduled Tribe) in prescribed proforma G without incorporating any conditions.
- d. Certificate of validity would be subject to the outcome of reverification to be undertaken by the Committee of the validity holders.
- e. Petitioner shall not be entitled to claim equities.

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

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