



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

985 WRIT PETITION NO. 8214 OF 2024

VISHNU SHALIKRAO SAPKAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondents : Mr. S.S. Joshi

...

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

DATE : 06 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard finally considering urgency in the matter.

2. Petitioner takes exception to the judgment and order dated 01.08.2024, invalidating his tribe certificate of the petitioner. He relies upon the validity certificates of real brother Sanjay and blood relatives Poonam, Chandrakant, Rushikesh and Pundlik. Pundlik Sakharam Sapkal is the first validity holder. It is further submitted that Poonam, Chandrakant and Rushikesh were issued with validity certificate by High Court.

3. Learned AGP supports impugned judgment and order. She would submit that cousin grandfather of the petitioner has revenue record of Koli, contrary to the claim of the petitioner. The validities in the family of the petitioner are liable to be discarded due to suppression of material facts.

4. The respondents did not dispute relationship of the petitioner with the validity holders. Pundlik Sakham Sapkal is the first validity holder who had filed affidavit in the matter of petitioner's brother Sanjay. Sanjay was issued with validity certificate by Scrutiny Committee. Poonam, Chandrakant and Rushikesh were issued with validity certificate by High Court in Writ Petition No. 9162 of 2019 vide order dated 21.08.2019. The self same record has already suffered scrutiny for granting validities. There is no propriety in discriminating the petitioner.

5. We find impugned judgment and order is discriminatory and arbitrary. Petitioner is ready to run the risk in view of *Shweta Balaji Isankar Versus State of Maharashtra and others*, passed by this High Court in Writ Petition No. 5611/2018. Hence we pass following order :

ORDER

- i. The writ petition is allowed partly. Impugned order dated 01.08.2024 is quashed and set aside. The respondent no. 2/Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Malhar' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the Committee has decided to re-open.
- ii. The petitioner shall not be entitled to claim equities.

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