



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 WRIT PETITION NO. 8755 OF 2024

Ramesh s/o Vitthalrao Akulwar

...Petitioner

Versus

1. The State of Maharashtra

2. The Scheduled Tribe Certificate
Scrutiny Committee, Kinvat
Head quarter at Aurangabad

3. The Executive Engineer (Mahavitaran)
Degloor, District Nanded

...Respondents

...

Advocate for the Petitioner : Mr. Pratap V. Jadhavar

AGP for Respondents: Mr. S.R. Wakale

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**CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.
DATED : 11 NOVEMBER 2024**

PER COURT :-

The petitioner is challenging the judgment and order of respondent No.2 - scrutiny committee, in a proceeding under section 7 of the Maharashtra Act No. XXIII of 2001, refusing to validate his 'Mannervarlu' scheduled tribe certificate.

2. We have heard both the sides finally at the stage of admission.

3. It is pertinent to note that a common vigilance enquiry was

conducted in the matters of the petitioner, his daughter Puja, son Nandkumar, nephew Kapil Akulwar and niece Swati Akulwar. Meaning thereby that the evidence collected by the vigilance officer in respect of these five individuals was the same.

4. The other four individuals named herein-above had faced similar invalidation and challenged the orders of the committee in writ petitions no. 6373 of 2024 and 6374 of 2024. By a common judgment and order dated 26.07.2024, for the reasons recorded therein, the orders were quashed and set aside and they were held entitled to have certificates of validity, subject to the final outcome of the matters, which the committee had decided to reopen in respect of the validity holders, they were relying upon.

5. The aforementioned circumstances would indicate that similar set of evidence was the subject matter before the committee in respect of claims of five individuals, including the petitioner. If other four individuals have been held entitled to have certificates of validity by an order of this court, the petitioner cannot be discriminated against and there is no need even for undertaking a fresh scrutiny in respect of the same set of evidence, more so, when the decision in the matters of other four individuals was by the division bench to which one of us (Mangesh S. Patil, J.) was a party.

6. In the light of above, writ petition is allowed partly.
7. For the same reasons, as have been recorded in the matters of petitioner's issues, nephew and niece, the impugned order is quashed and set aside.
8. The respondent – committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' 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.
9. The petitioner shall not be entitled to claim equities.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

rlj/