



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 WRIT PETITION NO. 8630 OF 2024

1. DEEPAK NARSAYYA AINLOD
2. PRANAY VIJAYKUMAR AINLOD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Jadhavar Pratap V.
AGP for Respondents : Mr. N.D. Batutle

...

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

DATE : 14 AUGUST 2024

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

Heard both the sides finally at the admission stage,
considering the exigency in the matter.

2. The petitioners are challenging judgment and order dated 06.08.2024 passed by respondent – Scrutiny Committee confiscating and invalidating their tribe certificates. They would rely on validity certificates of Dikshith Narsayya Ainlod and Vijaykumar Vithal Ainlod. According to them, validity holder Dikshith was issued with validity certificate by orders of High Court passed on 22 August 2023. On the ground of parity they would pray for issuance of validity certificates.

3. Per contra, learned AGP tenders on record original papers and would submit that Scrutiny Committee is justified in rejecting the caste claim because school record of Kishan, Gangabai, Rajabai, Narsayya was found to be incompatible with the tribe claim. The validity certificates are liable to be discarded because they were obtained by suppressing material facts.

4. We have considered rival submissions of the parties. It reveals from record that there are various certificates issued to the family members of the petitioners. Out of them, Dikshith was issued with validity certificate by the intervention of High Court vide order dated 22.08.2023, passed in Writ Petition No. 3259/2022. Dikshith is the real brother of the petitioner no. 1. Vijaykumar was also issued with the validity certificate who is father of the petitioner no. 2. We prefer to adopt the same reason and course which we have done in the case of Dikshith.

5. Though there are contrary entries, unless the validities of Dikshith, Vijaykumar and other family members are recalled, the petitioner cannot be deprived of the same social status. It is informed that the Committee has issued show cause notices to earlier validity holders. The petitioners are ready to run risk as

contemplated by *Shweta Balaji Isankar Versus State of Maharashtra and others*, passed by this High Court in Writ Petition No. 5611/2018. We are of the considered view that they are also entitled to receive validity certificates conditionally. Therefore, we pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. The impugned judgment and order is quashed and set aside.
- iii. The Scrutiny Committee shall issue validity certificates to the petitioners which shall be subject to outcome of reverification proposed by the Committee.
- iv. Petitioners shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]