



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8767 OF 2024

RUSHIRAJ RAJESHWAR KURUKWAD

Versus

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. O.B. Boinwad

AGP for Respondents : Mr. N.D. Batule

...

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

DATE : 23 AUGUST 2024

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

Heard both the sides finally considering exigency to the petitioner.

2. Petitioner is taking exception to judgment and order dated 25.07.2024, invalidating his tribe certificate. He would rely on validity certificate issued by High Court to his real sister Rutuja, Vaishnavi and Sadanand. He also relies on validity certificates of other paternal side relatives.

3. Learned AGP supports impugned judgment and order. He would submit that the validity certificates were obtained by suppressing material facts. He would indicate incompatible school record of Balaji, Govind and Baburao. It is further pointed out that

a manipulation was noticed in the matter of Pralhad and Laxmi. He would further submit that the validity certificates are rightly discarded by the Committee. Impugned judgment and order has been passed after considering relevant material and no interference is called for.

4. We have considered rival submissions of the parties. The relationship of the petitioner with the validity holders has not been disputed. Petitioner's real sister Rutuja was issued with validity certificate by order passed by High Court on 08.01.2021 in Writ Petition No. 231/2021. The co-ordinate bench had relied upon the validity issued to Vaibhavi and Vaishnavi, daughters of Baburao. In the present matter also, the common order passed in the matter of Vaibhavi and Vaishnavi in Writ Petition No. 8343/2023 on 13.12.2020 is placed on record. We adopt same course and reasoning. Similarly, the orders passed in the matter of Sadanand Govind Kurukwad by High Court in Writ Petition No. 8218/2020 on 25.04.2023 is also on record. We find that the self-same material has already been considered by the co-ordinate benches. It is not possible for us to take any different view to deprive the petitioner from the certificate of validity.

5. It is informed that Committee has decided to conduct reverification of the certificates of validity. Unless and until, the validity certificates of the relatives of the petitioners are revoked, petitioner cannot be denied the same social status. Petitioner is ready to run risk as per *Shweta Balaji Isankar Versus State of Maharashtra and others* in Writ Petition No. 5611/2018. We find that impugned judgment and order is liable to be quashed and set aside.

ORDER

- i. Writ Petition is allowed partly.
- ii. Impugned judgment and order dated 25.07.2024 passed by Scrutiny Committee is quashed and set aside.
- iii. The respondent no. 2 - Scrutiny Committee shall issue tribe validity certificate of 'Koli Mahadev' scheduled tribe to the petitioner which shall be co-terminus with the revocation of validity certificates of relatives of the petitioner
- iv. The petitioner shall not claim equity.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]