



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

WRIT PETITION NO. 10001 OF 2023

Harshvardhan Maheshkumar Meghmale .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioner.

Shri A. R. Kale, Addl.G.P. for the Respondent Nos. 1 and 2.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 08 AUGUST, 2024.

FINAL ORDER :

. Heard both the sides finally.

2 Petitioner is one of the claimants in whose matters the impugned common order has been passed refusing to validate their Koli Mahadev scheduled tribe certificates.

3. Considering the urgency, at the joint request of the parties the matter is heard finally at the stage of admission.

4. Learned advocate for the petitioner submits that impugned order is not sustainable in the law. Favourable record has been conveniently ignored. Only contrary record is referred to inspite of the fact that some favourable record is of older period.

5. Learned advocate would further advert our attention to the impugned order, particularly the observations and conclusions of Committee in respect of issue No. 2 formulated by it, wherein several validities in the family have been referred to. He would submit that in the light of the fact that there are many validities in the family, couple of which were issued pursuant to the orders of this Court passed way back in the year 1993, even if the Committee has now decided to undertake reverification for the alleged fraud, petitioner cannot be deprived of having certificate of validity. He 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.**

5. Learned Assistant Government Pleader admits the fact that as mentioned in the impugned order, the individuals were issued certificates of validity by the order of this Court.

6. Considering the fact that the reopened matters will take their own time in reaching to the logical end, the petitioner cannot be made to wait and loose his career, more so when he is ready to run the risk of facing consequences, which would indeed be drastic.

7. In view of above state of affairs, the impugned order is unsustainable. The petitioner deserves to be issued with the

validity certificate, subject to usual conditions. We, therefore, pass following order :

O R D E R

- a. The writ petition is partly allowed.
- b. Impugned order dated 20.07.2022 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 validities 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 the review petitions to be filed in the matters of Vaishali Vaijnathrao Meghmale and Maheshkumar Vaijnathrao Meghmale.
- e. Petitioner shall not be entitled to claim equities.

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

bsb/Aug. 24