



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 158 OF 2021
SHRIKANT VITTHAL CHAPPALWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mr. Pratap V. Jadhavar
Addl.GP for Respondents/State : Mr. P.S. Patil
Advocate for Respondent No.4 : Mr. J.R. Patil

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 06 SEPTEMBER 2024**

PER COURT :

1. Heard both the sides finally as there is urgency in the matter.

2. The petitioner is challenging the judgment and order dated 26.11.2020, invalidating his tribe certificate of Mannernvarlu scheduled tribe. Learned advocate for the petitioner submits that his father was issued with validity certificate. Besides that Shashwat Shyamsundar Chappalwar was issued with validity certificate pursuant to the order of High Court. He should have been issued with validity certificate on the ground of parity.

3. Learned AGP supports impugned judgments and orders. It is submitted that the Committee has taken reasonable and plausible view. The validity certificates of petitioner's father, Santosh and Balram are rightly discarded by the Committee. The Committee has issued show cause notices to earlier validity holders. It is not

desirable to issue any validity to the petitioner.

4. We have considered the rival submissions of the parties. There is no dispute that petitioner's father – Vitthal was issued with validity certificate. There was common vigilance inquiry in case of the petitioner and Shashwat Shyamsundar Chappalwar. The relationship of the petitioner with Shashwat has not been disputed. Shashwat was issued with validity certificate pursuant to the order of High Court passed in Writ Petition Stamp No.21355/2020 on 20.11.2020. The selfsame record has been verified by the coordinate bench for granting validity. We find that the case is made out by the petitioner to receive conditional validity.

5. Though the show cause notices are issued to the validity holders, it would consume some time to conclude the reverification. The petitioner cannot be made to wait till that time. He is ready to run the risk to face the consequence contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. We are of the considered view that he is entitled to receive validity certificate conditionally. We, therefore, pass following order :

ORDER

1) The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent- committee shall immediately issue tribe validity certificate to the petitioner as belonging to

‘Mannervarlu’ scheduled tribe. The validity shall be co-terminus with the validities of earlier validity holders.

2) The petitioner shall not claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..