



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

WRIT PETITION NO. 9152 OF 2024

**MOHNISH BALAJI ANNAMWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

...

Advocate for Petitioner : Mr. Thorat Chandrakant R.
AGP for Respondents/State : Mr. S.R. Yadav Lonikar

...

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

DATE : 26 AUGUST 2024

PER COURT :

. Heard both the sides. Issue notice to the respondents. Learned AGP waives service for both respondents.

2. In the light of the urgency, the matter is heard finally at the stage of admission for the peculiar reasons as would be discussed hereinafter.

3. The learned advocate for the petitioner amongst other things would point out that petitioner's cousin brother Amol Iresh Annamwar had also faced invalidation pursuant to a vigilance inquiry conducted in his matter and after considering his response. By way of Writ Petition No.13550/2023, Amol had challenged the judgment

and order of the Scrutiny Committee. After hearing both sides by giving detail reasons by the judgment and order dated 30.10.2023, Writ Petition was allowed partly and the Committee was directed to issue him certificate of validity, subject to making it vulnerable/dependent upon the decision of the Committee in the matter of validity holders which the Committee had decided to reopen.

4. Learned advocate would point out that the petitioner was allowed to respond to the vigilance report conducted in the matter of Amol. He accordingly submitted the reply before the Committee. He would therefore submit that whatever favourable or contrary record that was before the Committee which decided Amol's proposal was a subject matter of scrutiny by this Court in his writ petition and still he was held entitled to have certificate of validity. He would, therefore, submit that since selfsame evidence was a subject matter before this Court in Amol's matter, even the petitioner is entitled to have a conditional validity for the selfsame reasons.

5. Learned AGP would oppose the petition strongly. He would submit that the petitioner's proposal has been considered on its own merits and there is no illegality.

6. We have considered the record and the rival submissions. There cannot be a dispute about the fact that vigilance inquiry was conducted in the matter of Amol and though he had faced invalidation, this Court held him entitled to have a certificate of

validity since there were earlier validities, however it had expressly declared that his validity would be co-terminus with that of earlier validity holders.

7. Since the selfsame evidence, favourable or otherwise, is the subject matter of scrutiny of petitioner's proposal pursuant to his response filed to the vigilance report conducted in the matter of Amol, in our considered view, propriety demands that this Court should be consistent. The selfsame evidence has undergone scrutiny of this Court before directing Amol to be issued with certificate of validity, and for the selfsame reasons, as recorded in Writ Petition No.13550/2023 dated 30.10.2023, we allow the writ petition partly and quash and set aside the impugned order.

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 reopen.

9. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]