



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

WRIT PETITION NO. 9147 OF 2024

MANSHRI UTTAM BOYANE

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

...

Advocate for Petitioner : Mr. Jadhavar Pratap V.

AGP for Respondents/State : Mr. K.K. Naik

...

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

DATE : 26 AUGUST 2024

PER COURT :

. The petitioner is challenging the order of the respondent /Scrutiny Committee, invalidating her Koli Mahadev scheduled tribe claim.

2. In the light of exigency, we have heard the matter finally, after the learned AGP waives service for both the respondents.

3. It transpires that the order of invalidation has been passed in the matter of petitioner separately, although the vigilance inquiry in her matter and that of her brothers – Ajay and Vijay was common. Obviously common set of evidence was relied upon and collected by the vigilance Officer. The petitioners' real brothers had challenged similar orders based on same set of evidence, in separate Writ

Petition No. 8668/2024 and Writ Petition No.8675/2024. By the common order dated 14.08.2024 for the reasons recorded therein, the writ petitions were allowed partly. Both of them were directed to be issued with certificates of validity whose validity was declared to be subject to final outcome of the matters which the Committee had decided to reopen in respect of the validity holders relied upon by them.

4. As is mentioned herein above, since the evidence being relied upon in the matter of the petitioner and her two brothers is the same, for the selfsame reasons as mentioned in the matters of Vijay and Ajay, the writ petition is allowed partly. The impugned order is quashed and set aside. The respondent/Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' 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.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..