



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

WRIT PETITION NO. 9304 OF 2024

1. VIKRANT S/O VIJAY LANDGE
2. KSHITIJ S/O RAJESH LANDGE

VERSUS

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

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Advocate for Petitioners : Mr. Yeramwar Sushant C.

AGP for Respondents/State : Mrs. S.S. Joshi

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

DATE : 28 AUGUST 2024

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard both the sides in view of the urgency in the matter.

2. Petitioners are cousins whose tribe certificates are invalidated by common judgment and order dated 26.08.2024. Being aggrieved, the present petition is filed. They rely on certificates of validities issued to Rajesh, Dipali, Sonali, Vaishali, Vijay, Kirankumar and many others. Learned advocate for the petitioners submits that the validity certificates were issued after following due process of law and would enure to their benefit.

3. Learned AGP supports impugned judgment and order. He would submit that the Committee has issued show cause notices to the validity holders. The validities were obtained by suppression of material facts. There was order of invalidation in the matter of

Vishnukumar Kashinath Landge. The Committee noticed contrary school record and therefore decided to proceed against the validity holders.

4. We have considered the rival submissions of the parties. Amongst the validity holders – Vijay is father of the petitioner no.1 and Rajesh is the father of petitioner no.2. It is not disputed that Sonali was the first validity holder. There was vigilance inquiry conducted in her matter and by speaking order, the Committee issued her validity certificate. It further reveals that in the matter of earlier validity holder – Ashok, there was vigilance inquiry and by speaking order, he was issued with validity certificate. Similar is the case with the validity holder – Uttam. It reveals that the selfsame record has already been scrutinized on earlier occasion in granting validities to the family members. The petitioners are also entitled to receive validity certificates.

5. Impugned judgment and order reflects that the Committee did not consider the validity certificate of Sonali, though it was placed before it. It was obligatory for the Committee to deal with validity of Sonali. Just because affidavit of Sonali was not filed, cannot be a ground to overlook it.

6. Though it is contended that there is invalidation of Vishnukumar Kashinath Landge, that would not be judgment in rem. The incompatible school record can be subject matter of reverification, but that would not be impediment in granting the

validity to the petitioners. The petitioners are ready to run the risk of facing the consequences contemplated in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. Therefore, both the petitioners deserve validity certificates conditionally.

7. The writ petition is partly allowed. The impugned order dated 26.08.2024 is quashed and set aside. The respondent/Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without adding anything. The validities shall be subject to the final outcome of the matters which the Committee has decided to re-open.

8. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..