



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 9683 OF 2024

AKSHAY PRALHAD YEMALWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondents : Mr. S.R. Yadav-Lonikar

...

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

DATE : 05 SEPTEMBER 2024

PER COURT [*Shailesh P. Brahme, J.*] :

1. Heard both the sides finally at the admission stage as it is informed that the petitioner has been allotted college and he is supposed to produce the validity certificate to confirm the admission.

2. The petitioner is assailing judgment and order dated 03.09.2024 passed by the Committee confiscating and invalidating his validity certificate. He seeks to rely on validity certificate of his father Pralhad and uncle Irvanta. The reliance is also placed on validity certificate of Bhimrao Kanthiram Yemalwad.

3. Learned counsel for the petitioner submits that after following due procedure of law petitioner's father, uncle and Bhimrao were issued with validity certificates. The self same record has already been verified which would enure to his benefit

of the petitioner. He would further submit that petitioner is ready to face the consequences in view of *Shweta Balaji Isankar Versus State of Maharashtra and others*, in Writ Petition No. 5611/2018.

4. Learned AGP supports impugned judgment and order. He would submit that earlier validities are rightly discarded by the Committee considering incompatible school record. It is submitted that the Committee during the vigilance discarded the record from 1963 to 1977 being incompatible. He would further submit that revenue record of 1954-55 of the blood relatives of the petitioner is also inconsistent. It is submitted that the old school record of Kanthiram Khandu Yemalwad of 1952 was not relied on by the petitioner in the present matter.

5. We have considered rival submissions of the parties. The relationship of the petitioner with earlier validity holders is not disputed. Bhimrao is the first validity holder in whose case vigilance enquiry was conducted. In his case school entry of Kanthiram Khandu Yemalwad of 1952 was found to be genuine. By a speaking order, he was issued with validity certificate. Banking on his validity certificate, petitioner's uncle Irvanta was issued with validity certificate by the Committee. Even the petitioner's father was issued with validity certificate by a reasoned order relying on validity certificate of Irvanta.

6. The validity certificates of Ananda and Balaji were relied on while granting validity to petitioner's father. They are not found to be blood relatives. Even if those validities are ignored, still, there remains validity of Bhimrao and Irvanta to corroborate

father's validity. Apparently, we find that the validity certificates of the petitioner's father Pralhad and uncle Irvanta are issued after following due procedure of law.

7. Though it is recorded that Balaji is not the paternal side relative of petitioner's father and suppressing the incompatible school record the validity was issued to his father, in the present proceeding we can not undertake the task to decide as to whether there was a fraud or not. The Committee has to resort to reverification. Incompatible record as well as old revenue record can be verified to determine as to whether there was fraud or not.

6. The petitioner is ready to run risk in view of *Shweta Balaji Isankar Versus State of Maharashtra and others*, in Writ Petition No. 5611/2018. He deserves to be issued with validity certificate conditionally. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 03.09.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Since the petitioner is required to submit the certificate of validity to secure the admission today itself and has been allotted a college at Pune, the respondent no. 2 – Scrutiny Committee shall immediately issue the certificate of validity to the petitioner as belonging to

‘Mannervarlu’ scheduled tribe in the prescribed proforma.

iv. The validity shall be co-terminus with the validity of the earlier holders.

v. The petitioner shall not claim equity.

vi. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]