



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9853 OF 2024

VIRENDRA JAIRAM GANLEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. C.R. Thorat
AGP for Respondent/s – State : Mr. S.P. Joshi

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

DATE : 19.09.2024

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

Heard both the sides finally considering urgency for the petitioner.

2. The petitioner is aggrieved by judgment and order dated 05.09.2024 passed by the Scrutiny Committee invalidating his tribe certificate. He relies on the validity certificate of his father Jairam, blood relatives Madhavrao and Anuja. It is submitted that Madhavrao and Anuja were issued with validity certificates pursuant to the orders of High Court. It is further submitted that the petitioner is ready to face consequences as per *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018 and, therefore, he is entitled to receive conditional validity.

3. Learned AGP supports impugned judgment and order. He would submit that the Committee has rightly discarded the

validity certificate as earlier validities were obtained on the basis of manipulated school record of Nagmani and Maneji. The incompatible school record was also discovered which led the Committee to conduct reverification.

4. We have considered rival submissions of the parties. Petitioner's father Jairam was issued with validity certificate, first in time. A vigilance enquiry was conducted in his matter and by a speaking order the Committee issued him validity certificate. Madhavrao Shivaji Ganlewad was issued with a validity certificate in pursuant to the order dated 20.08.2019 passed by a coordinate bench in Writ Petition No. 9039/2019. Thereafter, Anuja Shivajirao Ganlewad was issued with validity certificate by our order dated 21.09.2023 in Writ Petition No. 9486/2019. Three validities which are pressed into service by petitioner are apparently issued after following due process of law and would enure to his benefit.

5. It is apparent that self same record has been verified to grant validities in the family of the petitioner and, therefore, contrary view taken by the Committee is arbitrary and discriminatory also. The reverification is underway. It would be open for the Committee to consider manipulated or contrary record to determine as to whether there is fraud or not. Till then, the petitioner deserves to be issued with validity certificate conditionally. He is ready to run risk as per *Shweta Balaji Isankar* (supra).

6. It is pointed out by learned AGP that petitioners father Jairam and other validity holders should cooperate with the Committee for reverification. We deem it appropriate to

incorporate a condition in this regard while granting relief to the petitioner. We, therefore, pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. The impugned judgment and order dated 05.09.2024 is quashed and set aside.
- iii. The respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Koli Mahadev’ scheduled tribe in the prescribed format which shall be co-terminus with validity certificates which are under reverification.
- iv. The earlier validity holders in the family of the petitioner shall co-operate with the Committee in the proceedings of reverification.
- v. The petitioner shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]