



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

WRIT PETITION NO. 9849 OF 2024

1. TEJAS S/O. GANESH BHOKAN
2. SUJAL S/O. GANESH BHOKAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Vivekanand U Jadhav

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

...

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

DATE : 12 SEPTEMBER 2024

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

1. Heard both the sides finally at the admission stage considering the urgency expressed by the petitioners.

2. The petitioners are brothers whose tribe certificates are invalidated by common judgment and order dated 04.09.2024 passed by the Scrutiny Committee which is under challenge. They would rely on the validity certificates of their real sister Vaishnavi and blood relative- Payal. There are other validity certificates also issued to the blood relatives.

3. Learned Counsel for the petitioners would submit that Vaishnavi and Payal were issued with validity certificates pursuant to the order of the High Court. He would pray for issuing validity certificates on the ground of parity. It is submitted that the petitioners are ready to face consequences as contemplated in the matter of

Shweta Balaji Isankar Vs. the State of Maharashtra and Others, in Writ Petition No.5611/2018.

4. Learned AGP supports impugned judgment and order. He would point out that the incompatible school record of the blood relatives of the petitioners was suppressed from the Committee. He would further refer to the school record of the blood relative which is found to be tampered. It is informed that the Committee has issued show cause notices to the earlier validity holder. Therefore, petitioners do not deserve to be issued validity certificates.

5. We have considered the rival submissions of the parties. After going through the genealogy, it reveals that there are seven validity holders who are blood relatives of the petitioners. Out of them, petitioners' real sister- Vaishnavi was issued with validity certificate vide order 26.07.2023 in Writ Petition No.8949/2023. The validity certificates referred to by the petitioners were relied upon while granting validity certificate to Vaishnavi. Similarly, Payal was also issued validity certificate pursuant to the order of High Court passed on 08.01.2021 in Writ Petition No.8492/2020. The validity certificates issued pursuant to the order of the High Court are sufficient to confer upon the petitioners social status which is arbitrarily denied by the impugned judgment and order.

6. The re-verification of validities is underway. It is open for the Committee to consider the incompatible or tampered school record during the re-verification. Unless earlier validities are revoked, petitioners cannot be deprived of same social status. Petitioners are ready to face consequences as contemplated in the matter of Shweta

Balaji Isankar (supra). It is desirable to issue them validity certificates conditionally. We, therefore, pass the following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 04.09.2024 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 admission within stipulated period, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioner as belonging to ‘Naikda’ 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.]