



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 9876 OF 2024

PRATHMESH PRAMOD IJJAPWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. C.R. Thorat
Advocate for Respondents : Mr. R.S. Wani

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 09 SEPTEMBER 2024

PER COURT :

Heard both the sides finally.

2. Issue notice for final disposal to the respondents.
Learned AGP waives service of notice for both respondents.

3. At the joint request, in the light of urgency, today being the last date for confirmation of admission, the matter was mentioned in the first session and the papers are produced in the second session and the matter is being disposed of finally.

4. The petitioner is challenging the order of invalidation passed by respondent no. 2 – Scrutiny Committee on 04 September 2024.

5. It is being pointed out that irrespective of anything else, the petitioner's blood relatives Pallavi Naresh Ijjapwar, Swapnil Sahebrao Ijjapwar and Sonal Sahebrao Ijjapwar have

been held to be entitled to have certificates of validity in Writ Petition No. 9918/2023 on 10 August 2023. It is being pointed out that the Committee allowed the petitioner to adopt the vigilance enquiry report in the matter of these three individuals and on that basis has decided the proposal. Meaning thereby, that the favourable as well as contrary record reported to the Committee by the vigilance cell was the basis for deciding the matters of three individuals though the Committee had rejected their proposals, this Court had allowed their petitions and they were held entitled to have certificates of validity. If the same set of evidence is the subject matter again before us in the present matter, one need not indulge in the scrutiny again. For the reasons recorded by us in the order dated 10 August 2023 in Writ Petition No. 9918/2023 even the present petition deserves to be allowed. That apart, admittedly Vidya Vijay Ijjapwar who is also related to the petitioner and those three validity holders by blood was held entitled to have a certificate of validity pursuant to the order by this Court besides, several other validities in the family.

6. Even if the Committee has decided to undertake Scrutiny of the validity certificates of the blood relatives, till the time it is able to confiscate and cancel those, the petitioner cannot make to wait for validity. We, therefore, pass 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 today itself and has been allotted a college at Pune, the respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate 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.]