



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

WRIT PETITION NO. 10054 OF 2024

**YASH CHANGDEO FULKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. A.S. Golegaonkar
AGP for Respondent Nos. 1 & 2 : Mr. P.S. Patil
Advocate for Respondent No. 3 : Mr. M.D. Narwadkar

...

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

DATE : 12 SEPTEMBER 2024

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

. Issue notice for final disposal to the respondents. Learned AGP waives service for respondents. The matter is taken up for final disposal as the petitioner wants to secure admission on the basis of validity certificate. Heard both sides finally.

2. This petition is directed against the judgment and order dated 09.09.2024 passed by the Scrutiny Committee, rejecting petitioner's tribe claim. Petitioner's tribe certificate of Koli Mahadev scheduled tribe has been invalidated by the Committee. He would rely on validity certificates of his real brother – Omkar who was issued with validity certificate pursuant to the order of the High Court considering the selfsame record. Besides petitioner is also relying on validities of Dnyandeo and Changdeo.

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

certificate as there was suppression of incompatible school record. It is submitted that pre-independence contrary entries were discovered. The Committee has issued show cause notice to the validity holder. It is submitted that this is not a fit case to grant any equitable relief to the petitioner.

4. Petitioner is relying on validities issued to his real brother – Omkar, father-Changdev and Pramod. Pramod is paternal side blood relative. Omkar was issued with validity certificate by the coordinate bench vide order dated 16.07.2019 in Writ Petition No.7845/2019. The selfsame record has already been verified on earlier occasion. Petitioner's real brother - Omkar being validity holder, we deem it appropriate to follow the same course as it is done in his matter.

5. It is informed that the Committee has issued show cause notices to the validity holders. The incompatible record or the old entries can be subjected to the re-verification which is underway. Unless the validities issued in the family to the petitioner are recalled, the petitioner cannot be denied the same social benefit. The petitioner is ready to run risk in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. It is desirable to issue conditional validity to him. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 09.09.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Though it is 4:00 pm, the petitioner is required to submit the certificate of validity to secure admission tomorrow i.e. on 13.09.2024, 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 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.]

Najeeb/-