



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

WRIT PETITION NO. 10215 OF 2024

**VISHAL MADHAV JATALE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

...
Advocate for Petitioner : Mr. Phatale Sagar S
AGP for Respondents/State : Mr. V.M. Jaware

...
**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**
DATE : 01 OCTOBER 2024

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

. Heard both the sides finally considering exigency in the matter.

2. The petitioner is challenging the judgment and order dated 09.09.2024 passed by the respondent no.2/Scrutiny Committee, invalidating his tribe certificate. He is relying on number of validities issued in his family and for that purpose our attention is adverted to genealogy which is at page no.39. The orders passed by the High Court in the matters of blood relatives of the petitioner have been also placed on record. Additionally it is submitted that petitioner's father – Madhav is also validity holder.

3. Learned Counsel for the petitioner submits that the petitioner is entitled to the validity on the ground of parity. He is ready to face

the consequences as contemplated in view of the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Others** in Writ Petition No.5611/2018.

4. Learned AGP supports impugned judgment and order. He would submit that the Committee has rightly discarded the validity certificate. During the vigilance inquiry, incompatible school record was discovered and even tampering of school record of couple of relatives was also discovered. Under these circumstances the Committee is justified in discarding the validity certificate. It is further informed that the Committee has issued show cause notices to the earlier validity holders.

5. We have considered the rival submissions of the parties. The Committee has not expressed any reservation about the relationship of the petitioner with the validity holders. Petitioner's father was issued with validity certificate by the orders of the Committee. Besides that the petitioner is relying on following validities of his close blood relatives issued pursuant to the orders of the High Court :

Sr.No.	Name of the validity holder	Relationship with Petitioner	Writ Petitions wherein they issued with certificates of validity by this Court	Order dated
1	Vinayak Vishwanath Jatale	Cousin Uncle	Writ Petition No.2534/2005	19.10.2011
2	Siddhant Vitthal Jatale and Shubham Vitthal Jatale	Cousin Brothers	Writ Petition No.8388/2019	02.08.2019
3	Dhiraj Pundlik Jatale	Cousin Brother	Writ Petition No.1686/2021	28.01.2021
4	Santosh Pandharinath Jatale	Cousin Brother	Writ Petition No.5209/2021	23.08.2023
5	Omkar Shamrao Jatale	Cousin Brother	Writ Petition No.1722/2022	14.07.2023

6. It is apparent that the selfsame record has already been scrutinized by the Committee while granting validities in the family as well as by the High Court. Unless the earlier validity certificates are revoked, the petitioner cannot be denied same social status. As the petitioner is ready to face the consequences as contemplated in view of Shweta Balaji Isankar (supra), it is desirable to issue him validity certificate conditionally. We, therefore, pass following order :

ORDER

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order is quashed and set aside.
- (iii) The Scrutiny Committee shall issue validity certificate to the petitioner forthwith which shall be co-terminus with the validity certificates already issued in the family.
- (iv) The petitioner shall not claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]