



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO. 10286 OF 2024

SAGAR RAM KALGE UNDER GUARDIAN
RAM LAXMANRAO KALGE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Boinwad Omgashad B.

AGP for Respondents : Mr. B.M. Dhanure

...

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

DATE : 23 SEPTEMBER 2024

PER COURT :

The petitioner is challenging the order of invalidation.

2. We have heard both the sides finally and perused the record.

3. Admittedly, the petitioner's real brother Omkar had suffered invalidation. He had challenged the decision in Writ Petition No. 10800/2023. By the order dated 21 September 2023, the petition was allowed partly and he was directed to issue with the certificate of validity which was issued conditionally, depending upon the reverification of father's validity.

4. Since it is a matter of social status, wherein the two brothers cannot be belonging to different caste even the petitioner

would be entitled to have certificate of validity subject to the same condition. 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. 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 which shall be subject to the outcome of the re-verification undertaken by the Scrutiny Committee.
- iv. The petitioner shall not be entitled to claim equities.
- v. 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.]