



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

WRIT PETITION NO. 10275 OF 2024

SHIVPRASAD SAKHARAM BOYANE

**VERSUS**

THE STATE OF MAHARASHTRA  
THROUGH ITS SECRETARY AND ANOTHER

...

Advocate for Petitioner : Mr. O.B. Boinwad

AGP for Respondents/State : Mrs. V.N. Patil Jadhav

...

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

**DATE : 26 SEPTEMBER 2024**

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

. Heard both the sides finally considering the exigency.

2. This petition is directed against the order of invalidation passed by the Scrutiny Committee, confiscating and invalidating tribe certificate of the petitioner. The petitioner seeks to rely on validity certificates of his real sister – Shivleela and his cousins – Rushikesh, Pooja, Dnyaneshwari, Parmeshwar and Shirish. It is submitted that as the selfsame record has already been verified in favour of the validity holders, the order rejecting the tribe claim is arbitrary and discriminatory. It is submitted that the petitioner is ready to face the consequences as contemplated in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Others** in Writ Petition No.5611/2018.

3. Learned AGP supports the impugned judgment and order.

She would submit that the validities issued in the family of the petitioner are rightly discarded by the Committee. During the vigilance, the school record of the blood relatives was found to be tampered. The Committee has issued show cause notices to earlier validity holders. There is no reason to interfere in the impugned judgment and order.

4. We have considered the rival submissions of the parties. The petitioner tenders on record comprehensive genealogy showing the validity holders and their relationship with the petitioner. The respondents did not dispute the same.

5. Petitioner's real sister – Shivleela was issued with validity certificate pursuant to the common order of High Court dated 09.02.2022 passed in Writ Petition No.1098/2022. We adopt the same reason and course in the present petition. It further reveals that by common judgment and order dated 11.03.2022, Rushikesh, Pooja and Dnyaneshwari were issued with validity certificates by the High Court. Similarly Shirish was also issued with validity certificate pursuant to the order of this Court passed in Writ Petition No.11605/2023 dated 15.09.2023. Such is the situation then we have no iota of doubt that the petitioner deserves to be issued with validity certificate conditionally.

6. The Committee has proposed reverification. Unless the earlier validities are revoked, the petitioner cannot be denied the

same social status. The petitioner is ready to face the consequences as contemplated in the matter of Shweta Balaji Isankar (supra). It is desirable to issue him conditional validity. We, therefore, pass following order :

**ORDER**

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 06.09.2024 passed by the respondent no.2/ Scrutiny Committee is quashed and set aside.
- iii. 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. The validity shall be subject to the outcome of reverification proposed by the Committee.
- iv. The petitioner shall not claim equities.
- v. The validity holders who are facing reverification, shall cooperate with the Committee.

**[ SHAILESH P. BRAHME, J.]**

**[ MANGESH S. PATIL, J.]**