



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

922 WRIT PETITION NO. 10786 OF 2024

DIPALI MACCHINDRA PATTEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mrs. P.J. Bharad

...

AND

923 WRIT PETITION NO. 10787 OF 2024

ASHWINI PANDHARI PATTEWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. R.S. Wani

...

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

DATE : 01 OCTOBER 2024

PER COURT :

Heard both the sides finally at the stage of admission.

2. Issue notice for final disposal to the respondents, returnable forthwith. Respective learned AGPs waives service for respondents.

3. The petitioners are challenging separate order in validating their 'Koli Mahadev' scheduled tribe certificates. Even if

the orders under challenge are separate, we have no manner of doubt that both the petitions can be conveniently disposed of by this common order in the light of the apparent blood relationship between these petitioners and the common validities being relied upon by them.

4. Admittedly, Dipali's real sisters Pooja and Priti were held entitled to have certificates of validity by the order of this Court. Their real cousins Pritam and Pravin have also been held entitled to have certificates of validity by the orders of this Court passed in their respective matters. Petitioner Ashwini being their third degree cousin, we find no hesitation in both the petitioners getting certificates of validity in the light of the aforementioned facts and circumstances.

5. The Committee has refused to rely upon these validities for the reason that the earliest validity holder relied upon by this subsequent validity holders had practised fraud while obtaining the certificate of validity, and has decided to undertake a fresh scrutiny. It would be a long drawn process, apart from the fact that the inference will have to be substantiated strictly. The petitioner cannot be made to wait at the cost of their career. Learned Advocate submits that they are ready to face the consequences as contemplated in the matter of *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018.

6. Applying the principles laid down in the *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**, since the petitioner's blood relatives have been held entitled to have certificates of validity by the orders of this Court, it can certainly be said that they were issued with certificates of validity by following due process of law. The petitioners are entitled to derive the benefits of all the earlier validities, subject to the final outcome of the process to be undertaken by the Committee for recalling the earlier validities.

7. The Writ Petitions are allowed partly. The impugned judgments and orders dated 12 September 2024 and 27 September 2024 passed by respondent no. 2 /Scrutiny Committee are quashed and set aside.

8. Respondent no. 2 / Scrutiny Committee shall immediately issue tribe validity certificate to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed proforma. The validity certificates of the petitioners shall be subject to the outcome of the reverification to be undertaken by the Scrutiny Committee of the validity holders.

9. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]