



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

WRIT PETITION NO. 12596 OF 2021

Ajinkya Subhashrao Bogulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.
Shri B. A. Shinde, Advocate for the Respondent Nos. 3 and 4.

**WITH
WRIT PETITION NO. 12592 OF 2021**

Ankita Subhashrao Bogulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 to 3.

**WITH
WRIT PETITION NO. 12605 OF 2021**

Subhash Poshatti Bogulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2.
Shri S. B. Pulkundwar, Advocate for the Respondent Nos. 3 & 4.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 02 AUGUST 2024.**

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

. Heard both the sides finally considering urgency in the matters. Petitioners caste certificates are invalidated by common judgment and order dated 09.09.2021 by the respondent No. 2/Scrutiny Committee. Petitioners claim to be belonging to 'Mannervarlu' scheduled tribe. They are from the same family and rely upon common record. We therefore propose to decide these petitions together.

2. Petitioner – Ajinkya and Ankita are the siblings of third petitioner Subhash. These petitions are clubbed by administrative order dated 15.02.2024. They rely on validity certificate of Gangadhar Balu Bogulwar. It revealed during enquiry that Ganesh Gangadhar Bogulwar and Govind Balaji Bogulwar also hold validity certificates.

3. Per contra, the learned Additional Government Pleader submits that there are contrary entries of school record of Nagnath of the year 1968 and Gangadhar of 1978. Gangadhar was issued with the validity on the basis of validity certificate of his son Ganesh. It is submitted that Ganesh obtained validity certificate suppressing material facts. In support of submissions learned Addl. G. P. has placed on record original papers of Gangadhar and Ganesh.

4. We have gone through the relevant record and submissions of the litigating sides. The relationship of the petitioners with validity holder Gangadhar, Govind and Ganesh is not disputed. It reveals from record that Ganesh is the first validity holder. Relying on his validity his father Gangadhar was issued with the validity. There was vigilance enquiry in the matter of Ganesh. Ganesh was issued with the validity certificate by a speaking order of the scrutiny committee. School record of Gangadhar indicating caste as 'Mannervarlu' was considered. In case of Gangadhar also there was vigilance enquiry. He was also issued with the validity certificate by a speaking order. We find that his validity certificate was issued after following due procedure of law and would support claim of the petitioners.

5. Though contrary entry of Nagnath and manipulation in the school record of Gangadhar are pointed out by the learned Addl. G. P., we cannot embark an enquiry into the validities issued to either Gangadhar or Ganesh. The scrutiny committee is already undertaking the exercise by reopening the validity of Gangadhar. Till his validity certificate is recalled, we have no alternative than to award validity certificates to the petitioners subject to outcome of reverification, which is underway.

6. Petitioners are ready to abide by the conditions as contemplated in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**. Impugned common judgment

and order is unsustainable and, therefore, we pass following order :

O R D E R

- A. The writ petitions are allowed partly.
- B. The impugned common judgment and order dated 09.09.2021 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- C. The respondent No. 2/Scrutiny Committee shall issue validity certificates of 'Mannervarlu' (Scheduled Tribe) to the petitioners immediately, which shall be subject to outcome of reverification of validity certificate of Gangadhar.
- D. The petitioners shall not be entitled to claim equities.
- F. The writ petitions are disposed of in above terms.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

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