



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

918 WRIT PETITION NO. 10763 OF 2024

1. APURVA RAJA LAKKAMWAD
THROUGH POA RAJA VENKATRAO LAKKAMWAD
2. OM S/O. RAJA LAKKAMWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. V.M. Chate

AND

919 WRIT PETITION NO. 10764 OF 2024

CHANDRAKANT PANDHARINATH LAKKAMWAD
THROUGH GUARDIAN
PANDHARINATH HARIBHAU LAKKAMWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Sunil Mahadevappa Vibhute

AGP for Respondents : Mr. V.M. Jaware

...

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

DATE : 01 OCTOBER 2024

PER COURT :

Heard both the sides.

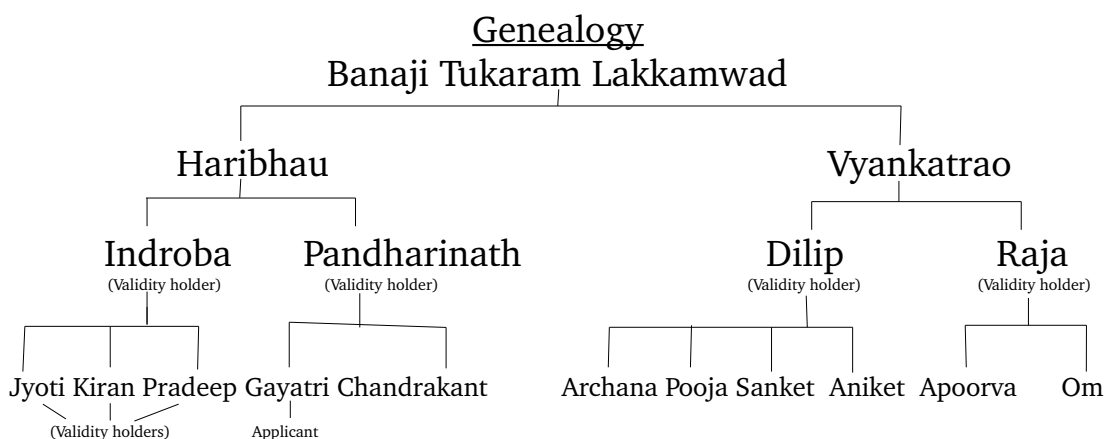
2. Issue notice for final disposal to the respondents, returnable forthwith. Respective learned AGPs waive service for respondents in both the matters.

3. At the joint request of the parties, the matter is heard finally today itself.

4. By way of these two separate writ petitions, the petitioners are challenging separate orders of Committee refusing to validate their 'Mannervarlu' scheduled tribe certificate.

5. Though, the Committee has passed separate orders and there is no reference in the judgment passed in the matter of petitioners Apoorva and Om about they being related to petitioner Chandrakant, as can be seen a common vigilance enquiry was conducted in the matters of all the three petitioners and for the reasons best known to the Committee, separate decisions have been taken.

6. Be that as it may, petitioner Chandrakant's real sister Gayatri possesses a certificate of validity. In the affidavit filed pursuant to Rule 11 of the Rules framed under Maharashtra Act No. XXIII of 2001, in the matter of Chandrakant, she had given following genealogy :



7. A bare look at the aforementioned genealogy, in juxtaposition to the observations of the Committee while discussing issue no. 2 in the matter of Apoorva, would reveal that the validities being relied upon are of Indroba Haribhau, Pandharinath Haribhai, Dilip Venkatrao and Raja Venkatrao. Petitioner Chandrakant and validity holder Gayatri are the children of Pandharinath Haribhau, whereas Apoorva and Om are the children of Raja Venkatrao. In view of such peculiar state of affairs, in our considered view both the matters can be disposed of by this common order.

8. Irrespective of the stand of the Committee in the impugned orders about the validity holders having practised fraud and its decision to undertake review, the fact remains that Gayatri was held entitled to have certificate of validity by the order of this Court in Writ Petition No. 9401/2023 dated 01 August 2023. She being the real sister of petitioner Chandrakant and the other two petitioners being their cousins, all the petitioners are entitled to have the validity, more so when their learned Advocate submits that they are ready to face consequences as laid down in the matter of *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018.

9. The Writ Petitions are allowed partly. The impugned judgments and orders dated 24 September 2024 and 27 September 2024 passed by respondent no. 2 /Scrutiny Committee are quashed and set aside.

10. Respondent no. 2 / Scrutiny Committee shall immediately issue tribe validity certificate to the petitioners as belonging to 'Mannervarlu' 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.

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

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]