



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

WRIT PETITION NO. 10899 OF 2024

**PRATHMESH BALAJI KUDADE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

...

Advocate for Petitioner : Mr. Thorat Chandrakant R.

AGP for Respondents/State : Mrs. P.J. Bharad

...

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

DATE : 04 OCTOBER 2024

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

. Heard both the sides finally considering urgency in the matter.

2. The petitioner is aggrieved by the judgment and order dated 10.09.2024, invalidating his tribe claim. He is relying on validity certificates of first degree cousin as well as second degree cousin which are shown in the genealogy. Learned Counsel for the petitioner adverts our attention to the various orders passed by the High Court granting conditional validities to the blood relatives of the petitioner.

3. Learned AGP supports impugned judgment and order. She would submit that the Scrutiny Committee is justified in rejecting the tribe claim considering the incompatible record and suppression of material facts. The Committee has decided to undertake exercise of

re-verification and therefore, this is not a fit case to issue validity to the petitioner.

4. It reveals from record that the close blood relatives of the petitioner have been issued with validity certificates pursuant to the orders of this Court. The relationship of the petitioner with the validity holders has not been disputed. The first validity was issued to Sachin Laxmanrao Kudade by order of this Court passed in Writ Petition No.10018/2023. Shravanti Sanjay Kudade was issued with validity pursuant to the order of this Court in Writ Petition No.7767/2020. Shreyas Sanjay Kudade and Kiran Prakashrao Kudade were also issued with validity certificates pursuant to the order of this Court in Writ Petition No.8638/2024. It is evident that the selfsame record has already been scrutinized by the Committee as well as High Court. The validity certificates which are pressed into service can be treated to be issued after following due procedure of law. The petitioner is entitled to derive their benefits.

5. The Committee has proposed reverification and therefore, incompatible record or the suppression material facts can be gone into during the said process. The petitioner cannot be made to wait till the outcome of reverification. He is ready to abide by the law laid down in the matter of **Shweta Balaji Isankar Vs. State of Maharashtra and Others**, in Writ Petition No.6320/2017. It is desirable to issue validity certificate to him. We find that the impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- (i) The writ petition is allowed partly.
- (ii) The impugned judgment and order is quashed and set aside.
- (iii) The Committee shall immediately issue validity certificate of Mannervarlu scheduled tribe to the petitioner which shall be subject to the outcome of reverification proposed by the Committee.
- (iv) The petitioner shall not claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..