



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11119 OF 2024

OMKAR KISHAN IRALWAD
VERSUS

- 1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY TRIBAL DEVELOPMENT DEPARTMENT MANTRALAYA MUMBAI – 32
- 2. SCRUTINY COMMITTEE FOR SCHEDULED TRIBES, KINWAT OFFICE AT CHHATRAPATI SAMBHAJINAGAR THR. IT’S MEMBER SECRETARY

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Advocate for the Petitioner : Mr. Boinwad Omgashad B.
AGP for Respondents: Mr. Nikhil S. Tekale
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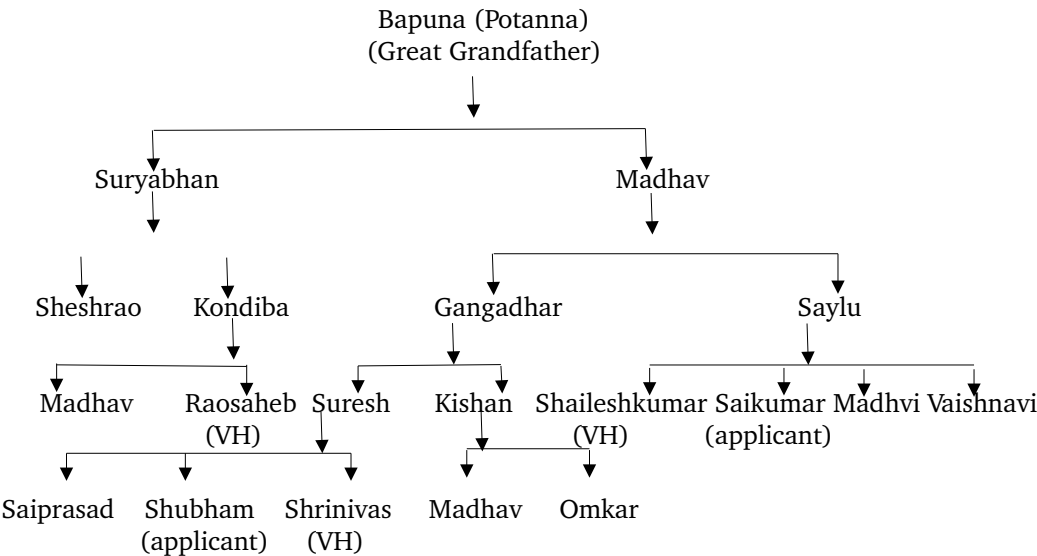
CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 15.10.2024

PER COURT:

Heard both the sides finally at the stage of admission. The petitioner is seeking validation of the ‘Koli Mahadev’ scheduled tribe certificate and is challenging the order of the Committee.

2. The petitioner is relying upon following genealogy :



3. Apart from the fact that Raosaheb Kondiba, Shrinivas Suresh and Shaileshkumar Saylu possess certificates of validity and more importantly, the latter two have been issued pursuant to the orders of this Court in their separate writ petitions, the committee has also referred to one more validation of one Shrihari Gana Iralwad stated to have been issued in the year 2004. There being no dispute about genealogy, raised and entertained by the Committee in the impugned judgment, the petitioner is indeed entitled to rely upon these validities holding the field since long.

4. The committee is now attributing fraud on the part of the validity holders and has expressed its intention to undertake re-scrutiny. In spite of such stand of the Committee, till the time it is able to confiscate and cancel the validity certificates by following due process of law, those would continue to be valid and the petitioner being related to these validity holders by blood and his real cousin Shrinivas and second degree cousin Shaileshkumar having been held entitled to have certificates by the orders of this Court, the petitioner is entitled to have a certificate of validity co-terminus with all the validity holders in the blood relationship referred to herein above.

5. The writ petition is allowed partly. The impugned judgment and order dated 23.09.2024 passed by the respondent No.2- Scrutiny Committee are quashed and set aside. The scrutiny committee shall immediately issue tribe validity certificate to the petitioner as belonging

to 'Koli Mahadev' scheduled tribe in the prescribed formate without adding anything. The validity shall be co-terminus with the validity of the earlier validity holders.

6. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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