



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

976 WRIT PETITION NO. 11422 OF 2024

1. PIYUSH S/o. KIRAN TORADMAL
2. AYUSH S/o. KIRAN TORADMAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Thorat Chandrakant R.

AGP for Respondents : Mr. S.R. Yadav-Lonikar

...

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

DATE : 16 OCTOBER 2024

PER COURT [*Shailesh P. Brahme, J.*]:

Heard both the sides finally due to urgency in the matter.

2. The petitioners are taking exception to the common judgment and order dated 07.10.2024 passed by the Scrutiny Committee, invalidating their tribe certificates. They are relying upon the validity issued to their real uncle Ravindra Eknath Toradmal.

3. It is submitted by learned counsel for the petitioners that on earlier occasion when their tribe claims were rejected, they had preferred Writ Petition No. 9825/2024. During the course of hearing of that matter, a doubt was expressed about their relationship with Ravindra and the matter was remanded to the Committee. After remand, the petitioners succeeded in establishing

the relationship. Hence, their claims should not have been rejected.

4. Learned AGP supports impugned judgment and order. It has been vehemently submitted that the relationship of the petitioners with the Ravindra, validity holder is still doubtful. A reference was made to the report of the Vigilance Officer dated 24.09.2024. It is submitted that the Committee has rightly rejected the tribe claim.

5. We have considered the rival submissions of the parties. On earlier occasion, petitioner's tribe claim was rejected by the Committee. Being aggrieved, they had filed Writ Petition No. 9825/2024. To extend the opportunity to establish the relationship with Ravindra, matter was relegated to the Committee. The petitioners could establish the relationship by revenue record, will, statement of their aunt, genealogies, affidavits, etc. The Committee has also observed that Ravindra is their real uncle. The report of the Vigilance Officer indicating non cooperation on part of Ravindra is inconsequential. There is overwhelming evidence to establish the relationship.

6. In case of Ravindra, vigilance enquiry was conducted. Thereafter by a speaking order, he was issued with validity certificate. We find that the validity cannot be doubted and it would enure to the benefit of the petitioners.

7. It is informed that the Committee has issued show cause notice. The petitioners are ready to face consequences as per *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in

Writ Petition No. 5611/2018. We find that they are entitled to receive validity certificates, conditionally. We, therefore, pass following order :

ORDER

- i. Writ Petition is allowed partly.
- ii. The impugned judgment and order dated 07.10.2024 is quashed and set aside.
- iii. The respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to ‘Koli Mahadev’ scheduled tribe in the prescribed proforma.
- iv. The validities shall be co-terminus with the validities of earlier validity holders.
- v. The petitioners shall not claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]