



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

47 WRIT PETITION NO. 14357 OF 2021

Ankush Ramchandra Pawar

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Vibhute Sunil M.

AGP for Respondent Nos. 1 and 2: Mr. Mukesh K. Goyanka

Advocate for Respondent No.3 : Mr. A.B. Dhongade

...

AND

WRIT PETITION NO. 14384 OF 2021

Reshma Ankush Pawar alias Reshma Narayan Gawali

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Vibhute Sunil M.

AGP for Respondents: Mr. Mukesh K. Goyanka

.....

**CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.**

DATED : 25 NOVEMBER 2024

PER COURT :-

We have heard both the sides finally.

2. The petitioners are separately challenging the common judgment and order dated 13.12.2021, passed by respondent No.2, tribe certificate scrutiny committee, refusing to validate their 'Thakur' scheduled tribe certificate.

3. Incidentally, as is being pointed out by the learned advocate for the petitioners, their blood relative - Shreyas Sunil Pawar was also before the committee simultaneously with the petitioners, seeking validation of his 'Thakur' scheduled tribe certificate. The common vigilance enquiry was conducted in the matter of all these three individuals i.e. Shreyas, petitioner – Ankush and petitioner - Reshma. By separate order dated 02.12.2021, the committee had refused Shreyash's claim, which was the subject matter of challenge before this Court in writ petition No. 14191 of 2021. By order dated 08.02.2022, the order of the scrutiny committee was quashed and set aside and he was held entitled to have a certificate of validity co-terminus with the validity of one Sunil Ramchandra Pawar, who was none other than Shreyash's father.

4. Though the committee, for the reasons best known to it, has chosen to decide Shreyash's matter separately and has passed the impugned common order in the matter of these two petitioners, in spite of the evidence, favourable as well as contrary being the same, which was collected and verified by the common vigilance enquiry and there are some differences in the reasons assigned by the committee in both these judgments, since the evidence before the committee was the same in respect of the claim of all three individuals, in our considered view, it would not be permissible, rather

it would be in the fitness of things that even these petitions are allowed for the reasons recorded by the coordinate division bench in the matter of Shreyash, for the same set of evidence which was the subject matter of scrutiny by the scrutiny committee as also by this Court.

5. In the light of above, for the reasons recorded by the division bench in the matter of Shreyash, in the order dated 08.02.2022, passed in writ petition No. 14191 of 2021, even these writ petitions are allowed partly.

6. The impugned orders are quashed and set aside.

7. The petitioners shall be issued with certificates of validity of 'Thakur' scheduled tribe immediately, which shall be co-terminus with the validity of Sunil Ramchandra Pawar.

8. The petitioners shall not be entitled to claim any equities.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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