



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

WRIT PETITION NO. 12561 OF 2023

1. UJWALA DNYANESHWAR SAWADH
2. SANTOSH DNYANESHWAR SAWADH

VERSUS

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER**

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Advocate for Petitioners : Mr. Jadhavar Pratap V.

AGP for Respondents/State : Mr. V.M. Kagne

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

DATE : 10 OCTOBER 2024

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

. Heard both sides finally considering exigency in the matter.

2. The petitioners are the siblings and their validity certificates are invalidated by the Scrutiny Committee vide judgment and order dated 20.09.2023 which is under challenge. They are relying on the validities of their father Dnyaneshwar and Vijay Sarjerao Sawadh. Learned Counsel for the petitioners submits that the Committee arbitrarily discarded the validity certificates. The old record which was already verified, supports their tribe claim. They are ready to face the consequences as contemplated in view of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018.

3. Learned AGP supports impugned judgment and order. He

would submit that there was suppression of material facts of manipulated school record. The validity certificates were issued without due verification and no benefit can be derived from them. The Committee has decided to reopen the validities and therefore it is not desirable to issue any further validities to the petitioners.

4. We have considered the rival submissions of the parties. Petitioners' father Dnyaneshwar is the validity holder. Our attention is adverted to the vigilance inquiry conducted in the matter of Vijay Sarjerao Sawadh. Pertinently old school record of Sarjerao of 1954, Dinkar of 1959 was found to be genuine. By speaking order he was issued with validity certificate by the Committee. Apparently his validity certificate is issued after following due procedure of law and it would enure to the benefit of petitioners.

5. The Committee discarded the validity certificates considering manipulated school record of Sarjerao, Sahebrao and Vilas, but considering the oldest school record of Sarjerao of 1954, the validity was already issued to Vijay. Unless the earlier validity is revoked, the petitioners cannot be denied same social status. The Committee has decided to reopen the earlier validities. The incompatible school record can be considered during reverification. The petitioners are ready to face the consequences as contemplated in view of Shweta Balaji Isankar (*supra*). In that view of the matter, it is desirable to issue them validity certificates conditionally. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned order dated 20.09.2023 passed by respondent no.2/Scrutiny Committee is quashed and set aside.
- iii. 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 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.
- v. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..