



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

WRIT PETITION NO. 12283 OF 2024

Krishna Gunaji Chavan

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Chandrakant R. Thorat, Advocate for the Petitioner.

Shri V. M. Kagane, A.G.P. for the Respondent Nos. 1 and 2.

CORAM : S. G. MEHARE AND

SHAILESH P. BRAHME, JJ.

DATE : 21ST NOVEMBER, 2024.

FINAL ORDER :

. Considering exigency for the petitioner heard the matter finally at the admission stage. Petitioner has been allotted a seat for M.B.A. and the validity certificate is required to confirm the admission.

2. Petitioner is challenging judgment and order dated 28.10.2024 passed by the respondent No. 2/Scrutiny Committee thereby confiscating and invalidating his tribe certificate for scheduled tribe 'Thakur' The petitioner is relying on validity certificates issued to Ram Shivaji Chavan and Kalpana Babu Chavan, who are blood relatives. He is also relying on school record of Babu Sitaram Thakur of 1962, Anna Sitaram Chavan of 1967 and Indubai Kisanrao Chavan of 1972.

3. Learned counsel for the petitioner submits that in view of the judgment of the Supreme Court in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others** reported in *2023 SCC Online SC 326*, the validity issued to blood relatives would enure the benefit to the petitioner. After following due procedure validities were issued. Those have been arbitrarily discarded by the Scrutiny Committee. He also relies on the order dated 11.08.2023 passed by the coordinate bench of this Court in Writ Petition No. 9600 of 2023 thereby issuing conditional validity to Ram Shivaji Chavan. Learned counsel further submits that, in view of judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others dated 27 July 2018 in W. P. No. 5611 of 2018** his client is ready to run the risk of facing the consequences. It is therefore contended that the petitioner may be issued the conditional validity.

4. Learned Assistant Government Pleader supports the impugned judgment and order. He would submit that validity certificates are rightly discarded by the Committee. There was incompatible school record. Therefore, petitioner's case is doubtful. The Scrutiny Committee has rightly rejected the validity. He would submit that show cause notices have been issued to the earlier validity holders as there was suppression of material facts while procuring the validities.

5. We have considered rival submissions of the parties. There is no dispute that Ram Shivaji Chavan was issued with the validity certificate by the order passed by the coordinate bench in Writ Petition No. 9600 of 2023 on 11.08.2023. Petitioner is relying on validity certificates of Ram Shivaji Chavan and Kalpana Baburao Chavan. As Ram Shivaji Chavan was issued with validity certificate in pursuance of order passed by the coordinate bench, it can be treated that it was issued after following due procedure of law.

6. The relationship of the petitioner with the validity holders has not been disputed. Additionally, the old school entries have already been relied by the coordinate bench in para No. 4 of the order passed on 11.08.2023 in Writ Petition No. 9600 of 2023. We propose to adopt the same course and reasoning.

7. Unless the validity certificates already issued in the family are quashed and set aside, the petitioner cannot be deprived of same social status. The Committee has issued show cause notices to the earlier validity holders. It would take it's time for disposal. The petitioner cannot be made to wait till the conclusion. He is ready to run the risk of facing consequences in view of the judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** (supra). In that view of the matter, we find that he is entitled to receive conditional validity. We therefore, pass following order.

ORDER

- (i) The writ petition is partly allowed.
- (ii) The impugned judgment and order dated 28.10.2024 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.
- (iii) The respondent No. 2/Scrutiny Committee shall forthwith issue tribe validity certificate to the petitioner as belonging to the 'Thakur' scheduled tribe in the prescribed proforma.
- (iv) The validity certificate of the petitioner shall be co-terminus to the earlier validities issued in the family.
- (v) The petitioner shall not be entitled to claim equities.
- (vi) There shall be no order as to costs.

[SHAILESH P. BRAHME J.]**[S. G. MEHARE, J.]***bsb/Nov. 24*