



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO. 12621 OF 2024

Ganesh Shankarrao Tarfewad

VERSUS

The State of Maharashtra Through Its Secretary and others

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Advocate for the Petitioner : Mr. Sagar S. Phatale

AGP for Respondent Nos. 1 and 2: Mrs. Pratibha J. Bharad

Advocate for respondent No.3: Mr. S.S. Deve

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

DATED : 21 NOVEMBER 2024

PER COURT :-

Heard both the sides.

2. The petitioner is challenging the judgment and order of the respondent - scrutiny committee, whereby it has refused to validate his 'Koli Mahadev' scheduled tribe certificate and directing its confiscation and cancellation.

3. After hearing both the sides, it transpires that though the committee had passed a separate order in respect of the petitioner, which is under challenge in this petition and that of one Vaishnavi Rameshrao Tarfewad, who happens to be his first degree cousin, merely six days apart, a common vigilance enquiry was conducted in

respect of both, which enabled the committee to decide both the proposals. The order of invalidation in the matter of Vaishnavi was the subject matter before this Court in writ petition No.11994 of 2023. By order dated 31.07.2024, for the reasons recorded therein, she was held to be entitled to have a certificate of validity, which was made subject to the final outcome of reverification of the validity holders, which the committee has decided to undertake.

4. This demonstrates that the same set of evidence, favourable as well as contrary, forms the basis for deciding both these claims and have been objectively scrutinized by this Court in the matter of Vaishnavi. This would obviate a fresh scrutiny of same evidence.

5. For the reasons recorded in the matter of Vaishnavi, we allow the petition partly.

6. The impugned judgment and order is quashed and set aside.

7. The committee shall issue validity certificate to the petitioner as 'Koli Mahadev' scheduled tribe immediately. The validity of the petitioner shall be subject to the final outcome of the validities

which the committee has decided to reopen in respect of the validity holders.

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

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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