



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

WRIT PETITION NO. 12814 OF 2024

YOGESHRI BHARAT TOTAWAR

VERSUS

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

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Shri Phatale Sagar S., Advocate for the Petitioner.

Shri M.K. Goyanka, AGP for Respondent Nos.1 to 4/State.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 26th November, 2024

Per Court :-

The petitioner is challenging the judgment and order of the Scrutiny Committee whereby, it has refused to validate her 'Mannervarlu', Scheduled Tribe certificate in the proceedings under Section 7 of the Maharashtra Act No.XXIII of 2001.

2. We have heard both the sides.

3. It is matter of record that common vigilance enquiry was conducted in respect of another sibling of the petitioner and her real brother Sandesh Bharat Totawar, as also their sister Priya

Bharat Totawar and one Ramesh Prabhu Totawar. For the reasons best known to the Scrutiny Committee, the Committee has chosen to pass separate orders of invalidation.

4. The order to the extent of Sandesh Totawar was subject matter of challenge in Writ Petition No.10216/2024. By the order dated 01.10.2024, for the reasons recorded therein, the decision of the Committee to his extent was quashed and set aside and he was held to be entitled to have a certificate of validity making it co-terminus to the validity of his cousin Pradip.

5. This would make it abundantly clear that same set of evidence, favourable or otherwise, was the subject matter of scrutiny before the Scrutiny Committee while deciding the claims of Sandesh as also the present petitioner. Since this decision of the Committee has already undergone objective assessment at the hands of this Court in the matter of Sanesh, we are of the considered view that no separate analysis of the same record can be undertaken and resorted to.

6. For the reasons recorded in the matter of Sandesh in the order of this Court dated 01.10.2024, even the present Writ

Petition is allowed partly. The impugned order to the extent of the present petitioner is quashed and set aside. He shall be issued with a certificate of validity which shall be co-terminus with the validity of Pradip Rameshrao Totawar. The petitioner shall not claim equities.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)