

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 13823 OF 2023

1. SATISH VENKATRAO GAJALWAD
2. GAJANAN VENKATRAO GAJALWAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Boinwad Omgashad B.
Addl. GP for Respondent Nos. 1 & 2 : Mr. A.R. Kale

...

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

DATE : 06 AUGUST 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard both the sides finally, considering the exigency expressed by the petitioners.

2. Petitioners are the sons of Venkatrao whose tribe certificates are invalidated and confiscated by judgment and order dated 12.10.2023 passed by the Scrutiny Committee, which is under challenge in the present petition. They rely upon validity certificates issued to their real brother Nitish, cousins Vaibhav, Gaurav and Yogesh. All the validity certificates were issued by the orders of the High Court. Those orders are also placed on record.

3. Learned AGP supports impugned judgment and prays to dismiss petition.

4. It is evident that self same record has already been scrutinized by High Court on multiple occasions. The petitioners deserve validity certificates. We propose to adopt the same reasoning and the course as has been done by the co-ordinate benches.

5. Learned counsel for the petitioners points out that Vaibhav Govindrao Gajalwad, cousin of the petitioners was issued with the validity certificate without incorporating condition. However, he is the first validity holder and thereafter, validity certificates were issued in pursuance of the order passed by the High Court by incorporating the conditions. We are of the considered view that petitioners are entitled to validity certificate on certain conditions.

6. The petitioners are ready to run risk as contemplated by *Shweta Balaji Isankar Versus State of Maharashtra and others*, passed by this High Court in Writ Petition No. 5611/2018. In that

view of the matter, the impugned judgment and order is unsustainable and we pass following order :

ORDER

- i. The impugned judgment and order is quashed and set aside.
- ii. Respondent no. 2 – Scrutiny Committee shall issue tribe validity certificates to the petitioners which shall be subject to outcome of reverification proposed by the Scrutiny Committee.
- iii. Petitioners shall not claim any equity.
- iv. Writ Petition is allowed partly.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]