



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13452 OF 2024

OM LINGURAM AKULWAR
VERSUS

1. THE STATE OF MAHARASHTRA PUBLIC WORKS DEPARTMENT
THROUGH ITS SECRETARY MANTRALAYA MUMBAI – 400 001
2. SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
KINWAT, HEAD-QUARTRE AT CHHATRAPATI SAMBHAJI NAGAR
THROUGH ITS MEMBER SECRETARY
3. PUBLIC WORKS DEPARTMENT DIVISION NAGPUR, DIST.
NAGPUR THROUGH ITS CHIEF ENGINEER

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Advocate for the Petitioner : Mr. Phatale Sagar S
AGP for Respondents: Ms. P.J. Bharad

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CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 10.12.2024

PER COURT:

The petitioner is challenging the order of invalidation passed by respondent No.2 – Scrutiny Committee in a proceeding under Section 7 of the Maharashtra Act No.XXIII of 2001, thereby refusing to validate his 'Mannervarlu' scheduled tribe certificate.

2. We have heard both the sides. It is pertinent to note that the petitioner's sister Akanksha had faced an invalidation and in Writ Petition No.7465/2018, by the order dated 23.07.2018 (Principal Seat), her invalidation was set aside and she was held entitled to have a certificate

of validity subject to the final outcome of the matters which the Committee had decided to reopen.

3. Incidentally, the petitioner was allowed to adopt the reply filed by Akanksha to the vigilance inquiry report and thereafter the Committee has passed the impugned order, meaning thereby that the evidence that was available before the Scrutiny Committee in the matter of Akanksha which was scrutinized by this Court in her writ petition is the same even in the matter of the petitioner. This would obviate any further inquiry or scrutiny into the same set of evidence.

4. In the light of the above, the writ petition is allowed partly.

5. The impugned judgment and order is quashed and set aside. The Committee shall immediately issue a certificate of validity to the petitioner of 'Mannervarlu' scheduled tribe which shall be subject to the final outcome of the matters which the committee has decided to reopen.

6. The petitioner shall not be entitled claim equities.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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