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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 WRIT PETITION NO. 13391 OF 2024

PARSHURAM SHAHAJI BOYANE

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Mr.S.M.Vibhute, Advocate for the petitioner.
Mr.S.R.Wakale, AGP for the respondent/State.

(CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.)

DATE : DECEMBER 9, 2024

PER COURT :

1. Heard both the sides finally.
2. The petitioner is challenging the judgment and order of respondent No.2 / Scrutiny Committee in a proceeding u/s 7 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, refusing to validate his Koli Mahadev Scheduled Tribe Certificate.

3. It is being pointed out that the common vigilance enquiry was made in respect of 5 individuals including the petitioner and his brother Shirish Boyane. Though the Committee chose to pass separate orders, invalidation of claim of Shirish Boyane was a subject matter of challenge before this Court in WP No.11605/2023. By the order dated 15.09.2023, the order of the Scrutiny Committee was quashed and set aside and it was directed to issue a certificate of validity to Shirish subject to usual conditions.

4. Similarly, one Pooja Somnath Boyane and Dnyaneshwari Somnath Boyane from the same common vigilance enquiry, facing similar invalidation, were held entitled to have validity certificates, by the common order passed in WP No.12977/2021 and connected writ petition dated 03.08.2023.

5. Since it would be the same evidence, which was the subject matter of scrutiny in case of each of these individuals, undertaken by the Scrutiny Committee, when the petitioner's real brother Shirish has been held entitled to have a certificate of validity, apart from the other aforementioned individuals, we need not undertake a fresh scrutiny of

the same evidence.

6. In the light of the above, we allow the writ petition, quash and set aside the impugned order and direct the Committee to issue a certificate of validity to the petitioner of Koli Mahadev Scheduled Tribe, which shall be subject to the final outcome of the matters, which the Committee has decided to re-open in respect of validity holders.

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

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)