



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 WRIT PETITION NO. 67 OF 2023

AVINASH MANSARAM WADE
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Kulkarni Suresh Madhusudan
AGP for Respondent nos. 1 & 2 : Mr. R.S. Wani
...

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

DATE : 11.11.2024

PER COURT :

Heard both the sides finally at the stage of admission.

2. The petitioner is challenging the order of respondent no. 2-scrutiny committee, refusing to validate his 'Koli Mahadev' scheduled tribe certificate in a proceeding under Section 7 of the Maharashtra Act XXIII of 2001.

3. It is being pointed out that the petitioner's real cousin Prashant Babanrao Wade and Sudhir Babulal Wade are the validity holders. Kedar and Gaurav, their sons respectively, who had also faced a similar invalidation were before this Court challenging the orders of invalidation. In Writ Petition No. 9737/2018 and 9070/2020, by the orders dated 23.08.2018 and 05.01.2021, both of them were held entitled to have certificates of validity, whose validities were made subject to the final outcome of the matters of the validity holders, which the committee had decided to reopen on the ground of fraud.

4. Since there is no dispute about the genealogy, the petitioner being the cousin of the validity holders Prashant and Sudhir, he cannot be treated

differently from that of their sons Kedar and Gaurav, more so, when as submitted by his learned advocate he is ready to run the risk of facing the consequences as contemplated in *Shweta Balaji Isankar Vs. State of Maharashtra and others* (writ petition no. 6320 of 2017) and has even filed an undertaking cum affidavit to that effect duly sworn before the Notary dated 10.10.2023, and is ready to file a similar undertaking cum affidavit duly sworn before the Registrar (Judicial) of this Court within four weeks.

5. The writ petition is allowed partly.

6. The impugned order is quashed and set aside. The respondent no. 2-scrutiny committee shall immediately issue a certificate of validity to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the undertaking/affidavit to be furnished and subject to the final outcome of the matters of the validity holders, which the committee has decided to reopen.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-