



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

WRIT PETITION NO. 13881 OF 2024

Ruturaj Sanjay Bodhgire .. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri Omgashad B. Boinwad, Advocate for the Petitioner.
Shri S. S. Dande, A.G.P. for the Respondent Nos. 1 and 2.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 19TH DECEMBER, 2024.**

ORDER :

. Heard both sides finally at the admission stage with their consent considering exigency that the petitioner has secured admission to Pharmacy course.

2. The petitioner has taken exception to the judgment and order dated 11.11.2024 passed by the respondent No. 2/Scrutiny Committee invalidating his tribe certificate of 'Mannervarlu' (Scheduled Tribe). He is relying on 25 validities issued by the High Court to his blood relatives on different occasions. Besides that his father Sanjay was issued with the validity certificate by the Committee. It is also pointed out that there was common vigilance report in the case of petitioner, Pranali and Prathamesh. Prathamesh was issued with the validity certificate by order of the coordinate Bench dated 21.10.2024 in Writ

Petition No. 11713 of 2024.

3. The learned Assistant Government Pleader Mr. S. S. Dande supports impugned judgment and order. He would submit that there is suppression of material facts by earlier validity holders. The Committee has proposed reverification and show cause notices are issued. The learned A. G. P. would strenuously submit that the earlier validity holders who are facing reverification have approached this Court against the show cause notices. He would point out those proceedings from page Nos. 136 to 140 of the paper book and submit that any indulgence in favour of the petitioner would prejudice the proceedings of reverification.

4. We have considered rival submissions of the parties.

5. Undisputedly, petitioner's father Sanjay holds validity certificate granted by the Committee and following blood relatives are armed with validities issued by the orders of the High Court :

Sr. No.	Name of the Relative	Relationship with the petitioner	Writ Petition No.	Order date
1.	Mayuri Manik Bodhgire	Cousin of the Petitioner	9058/2019 (Principal Seat)	22.08.2019
2.	Ganesh Sudhakar Bodhgire	Cousin of the petitioner	9056/2019 (Principal Seat)	21.08.2019
3.	Dipali Gurunath	Cousin of	5690/2021	06.12.2021

	Bodhgire	the petitioner		
4.	Subhash Kondiba Bodhgire	Cousin uncle	2233/2022	18.02.2022
5.	Sudhakar Anandrao Bodhgire	Cousin brother	9163/2019	21.12.2022
6.	Shivraj Vilasrao Bodhgire	Cousin brother	9986/2019	21.12.2022
7.	Balaji Kashiram Bodhgire	Cousin uncle	10000/2019	21.12.2022
8.	Devidas Digambar Bodhgire	Grandfather	10021/2019	21.12.2022
9.	Manas Balaji Bodhgire	Cousin brother	9999/2019	21.12.2022
10.	Sanket Manik Bodhgire	Cousin brother	7238/2022	21.12.2022
11.	Manish Govindrao Bodhgire	Cousin brother	5694/2021	21.12.2022
12.	Rupali Gurunath Bodhgire	Cousin sister	5740/2021	21.12.2022
13.	Pratiksha Manohar Bodhgire	Cousin sister	5736/2021	21.12.2022
14.	Yogesh Uttamrao Bodhgire	Cousin brother	8442/2020	21.12.2022
15.	Meenakshi Govind Bodhgire	Cousin sister	5771/2021	21.12.2022
16.	Omesh Dilip Bodhgire	Cousin Uncle	9661/2023	04.08.2023
17.	Manoj Manik Bodhgire	Cousin brother	9503/2019	29.08.2023
18.	Aryan Chinoda Bodhgire	Cousin	13851/2023	02.11.2023
19.	Ravishankar Balaji Bodhgire	Cousin	13852/2023	02.11.2023
20.	Gurunath Chinoda Bodhgire	Cousin	13853/2023	02.11.2023
21.	Mohini Balaji Bodhgire	Cousin	13854/2023	02.11.2023

22.	Mangesh Malhotra Bodhgire	Cousin	12592/2023	11.12.2023
23.	Ritesh Ashok Bodhgire	Cousin	7322/2024	18.07.2024
24.	Snehal Manik Bodhgire	Cousin	7326/2024	18.07.2024
25.	Prathamesh Manohar Bodhgire	Cousin	11713/2024	21.10.2024

6. The relationship of the petitioner with the validity holders is not disputed. Interestingly, the genealogy at page No. 38 shows that in all four branches of the family there are validity holders. The validities are still intact. There is clinching material on record to corroborate the tribe claim. The petitioner deserves to be issued with conditional validity.

7. Another glaring aspect of the matter is that, there is common vigilance in the claims of the petitioner, Pranali and Prathamesh. Prathamesh was issued with the validity certificate vide order dated 21.10.2024 in Writ Petition No. 11713 of 2024. It is apparent that self same record was considered for granting validity. The petitioner is also entitled to validity certificate.

8. Few of the validity holders are facing reverification. Against show cause notices, they have preferred writ petitions in the High Court. By interim orders they are granted protection. Some time is likely to be consumed to conclude the reverification. The petitioner cannot be made to wait till the decision of reverification. The validity certificate to be issued to the petitioner can be subjected to out come of the reverification. We find that there is no merit in the submissions of the learned A. G.

P. Impugned order is unsustainable.

9. We, therefore, pass following order.

O R D E R

i) Writ petition is partly allowed.

ii) The judgment and order dated 11.11.2024 passed by the respondent/Committee is quashed and set aside.

iii) Respondent/Committee shall issue tribe validity certificate to the petitioner forthwith which shall be subject to outcome of re-verification proposed by the Committee.

iv) The petitioner shall not claim equity.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

bsb/Dec. 24