



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

WRIT PETITION NO. 15326 OF 2023

Vedika Venkatrao Pandhare
U/g of father
Venkat Hanmantrao Pandhare .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner.
Shri K. N. Lokhande, A.G.P. for the Respondent Nos. 1 to 3.

**AND
WRIT PETITION NO. 15325 OF 2023**

Sarth Suresh Tamloorkar
U/g of father
Suresh Hanmantrao Pandhare .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri Madhur A. Golegaonkar, Advocate for the Petitioner.
Shri K. N. Lokhande, A.G.P. for the Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 09 JULY 2024.**

FINAL ORDER :

. Heard.

2. By way of these two separate writ petitions, petitioners who are first degree cousins are challenging common judgment and order whereby the respondent/scrutiny committee invalidated their tribe claims and directed confiscation and

cancellation of their tribe certificates.

3. We have heard both the sides and perused papers.

4. It is a matter of record that petitioner Sarth's father Suresh Tamloorkar possesses certificate of validity. The committee has expressed some reservations by observing that while granting him validity, he having resorted to fraud for obtaining certificate.

5. The very stand was taken by the committee even in the matter of petitioner Sarth's real brother Sairaj and one Shreeya, who happen to be second degree cousins of these petitioners. This Court by judgment and order dated 25 August 2023 allowed their petitions and directed them to be issued with certificates of validity subject to final outcome in the matter of Suresh, which the Committee had decided to reverify.

6. Subsequently, Shreeya's father namely Gajendra Pandhare has been directed to be issued with the certificate of validity in Writ Petition No. 6828 of 2006 by order dated 08 March 2024 by this Court.

7. Needless to state that since petitioners' father and blood relatives from the paternal side are validity holders, they are entitled to derive benefit following of Maharashtra Adivasi Thakur Jamat Swarakshak Samiti Vs. State of Maharashtra and others reported in *2023 (2) Mh. L. J. 785*.

8. It is needless to say that even the petitioners would be running the risk of facing consequences as expressly mentioned in the matter of **Sweta Balaji Ispankar**, if and when the exercise in the matter of reopening of case of Suresh reaches conclusion.

9. Writ petitions are allowed partly. Impugned order is quashed and set aside. The Committee shall immediately issue certificate of validity to both the petitioners. Validity shall be subject to final outcome of Suresh's validity, which the Committee has decided to reopen, subject to condition that Suresh cooperates the Committee in early decision in the matter, which the committee has already reopened. The petitioners shall not be entitled to claim equity.

[**SHAILESH P. BRAHME, J.**] [**MANGESH S. PATIL, J.**]

bsb/July 24