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

WRIT PETITION NO. 15382 OF 2023

SHRADDHA MOGLAJI SHIRSHETWAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER**

Advocate for the Petitioner : Mr. G.K. Chinchole h/f. Mr Omgashad B
Boinwad

AGP for Respondents: Mr. N.S. Tekale.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

DATE : 19th JANUARY, 2024.

P.C. :-

1. The tribe claim of the petitioner as belonging to “Mannerwarlu” Scheduled Tribe is invalidated. Hence, petitioner is before this court.

2. Learned advocate Mr. Ghanshyam K. Chinchole holding for Mr. O.B. Boinwad, has taken us through the documents on record and submits that there was no contra entry which can be doubted. In fact, the real brother of the petitioner has been granted validity by this Court in W.P. No. 8157 of 2020 vide order dated 4.2.2021. However, it has not been properly considered by the respondent No.2.

3. Learned AGP fairly submits that this court had granted conditional validity as show cause notice was issued to the father of the petitioner as to why his validity proceedings should not be reopened and

on the basis of the same, it was held by this court that the validity certificate should be issued to the petitioner therein, subject to the decision that would be taken by the Committee in the proceeding re-opened if at all as against the father of the petitioner.

4. We follow the same course of action as adopted in W.P. No. 8157 of 2020. In view of the fact that show cause notice was issued to the father of the petitioner as the conditional order was passed in the case of brother of the petitioner, we proceed to pass the following order.

ORDER

- [a] The impugned order is quashed and set aside.
- [b] The Scrutiny Committee shall issue validity certificate to the petitioner of "Mannerwarlu Scheduled Tribe" immediately. Same validity certificate would be subject to the decision that would be taken by the Committee in the proceeding reopened of the validity holders, relied by the petitioners.
- [c] Writ petition stands disposed of.

[S.G. CHAPALGAONKAR, J.] [SMT. VIBHA KANKANWADI, J.]

grt/-