



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6047 OF 2024

Shailesh s/o Devidas Pawar

... PETITIONER

VERSUS

Scheduled Tribe Certificate

Scrutiny Committee

Kinwat (Headquarter at Aurangabad)

through its Member Secretary

... RESPONDENTS

...

Advocate for the Petitioner : Mr. M.S. Deshmukh i/b.

Mr. Gite Umesh Babanrao

AGP for Respondent: Mr. K.N. Lokhande

...

CORAM

: **MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE

: **08.07.2024**

PER COURT:

Heard both the sides.

2. The petitioner is challenging the order of invalidation.
3. It is being pointed out that irrespective of the reasoning being resorted to by the Committee in the impugned judgment and order, this Court in Writ Petition No.6437/2020, after elaborately considering the judgment passed by the Committee in her matter and undertaking a threadbare scrutiny in respect of various entries reported by the vigilance cell coupled with the fact that the vigilance officer had also certified that she had cleared the affinity test, by the order dated 25.11.2020, directed a certificate of validity to be issued to her.

4. Admittedly, the petitioner's father also possesses certificate of validity.
5. Even if the committee has now, as indicated in the impugned order decided to reopen or undertake a fresh scrutiny of the certificate of validity granted to him, the matter could not be taken to the logical end in spite of lapse of almost four years since Ashwini's matter was decided by this Court.
6. In these circumstances, the writ petition deserves to be allowed as the petitioner is entitled to derive the benefit of the validities of the blood relatives particularly the one granted to Ashwini by the order of this Court.
7. The writ petition is partly allowed.
8. The impugned order dated 17.10.2023 passed by the respondent – Scrutiny Committee is quashed and set aside. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Thakur' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
9. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)