



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

27 WRIT PETITION NO. 2842 OF 2025

Avinash Sainath Kachkalwad

VERSUS

The State Of Maharashtra Through Its Secretary And Another

...

Mr. Thorat Chandrakant R., Advocate for the Petitioner

Ms. P. J. Bharad, AGP for Respondents State

CORAM : MANGESH S. PATIL &
Y. G. KHOBRADE, JJ.

DATE : 19th March, 2025

ORDER:

1. Heard learned counsel for the petitioner as also the learned AGP and perused the record.
2. The petitioner is challenging the order of invalidation passed by the respondent no.2/scrutiny committee refusing to issue him certificate of validity of 'Mannervarlu' scheduled tribe.
3. A bare look at the impugned judgment and order would reveal that the vigilance enquiry conducted in the matter of petitioner's real brother Ashishkumar Sainath Kachkalwad has been resorted to by the committee for deciding the petitioner's claim. Having faced invalidation, Ashishkumar was before this Court in writ petition no. 7434 of 2024 (page no.80). By the judgment and order dated 29 July

2024, he was held entitled to have a certificate of validity, though conditionally.

4. It is demonstrated that the same set of evidence is the subject matter of scrutiny of the committee while deciding not only in Ashishkumar's matter but even the petitioner's matter. When this Court has already embarked upon, undertaken objective scrutiny of the judgment passed in the matter of Ashishkumar, which obviously was based on same evidence, no separate reasoning is required. For the same reason, as we have in the matter of Ashishkumar, the petition is allowed partly.

5. The impugned order is quashed and set aside. The committee is directed to issue certificates of validity to the petitioner of belonging to 'Mannervarlu' scheduled tribe, which shall be subject to the final out come of the matters of the validity which the committee has decided to reopen.

6. The petitioner shall not be entitled to claim equities.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

JPChavan