



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 WRIT PETITION NO. 3525 OF 2025

SAINATH BALAJI BOGULWAR THROUGH GUARDIAN BALAJI IRANNA
BOGULWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
ANOTHER

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Advocate for the Petitioner : Mr. Boinwad Omgashad B.

AGP for Respondents : Mr. R.K. Ingole

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

DATE : 13.03.2025

PER COURT :

Heard both the sides finally.

2. Rule. Rule is made returnable forthwith. The learned A.G.P. waives service for the respondents/State.

3. The petitioner is challenging the order of invalidation.

4. The learned advocate for the petitioner submits that a common vigilance enquiry conducted in the matter of seven individuals including petitioner's cousin brother Rahul Ashol Bogulwar dated 20.10.2021 was served upon the petitioner calling upon his explanation before proceeding to decide his claim. He submits that Rahul Bogulwar having faced invalidation before this Court in Writ Petition No. 8702/2023. By the order dated 07.11.2023, he was held entitled to have a certificate of validity. He submits that apart there from Saivamshi Shivram Bogulwar, and Sangita Balaji Bogulwar were also couple of individuals from and out of those seven individuals, in respect of whose claims the committee had resorted to a common vigilance enquiry. Even they had faced invalidation and could get the certificates of validity pursuant to the orders of this Court in Writ

Petition No. 445/2022 and 5411/2022. He submits that when this Court has already undertaken a scrutiny of the individual claims by referring to the same set of evidence, the petitioner is also entitled to have a certificate of validity subject to the usual condition.

5. The learned A.G.P submits that though going by the genealogy there could be some doubt inasmuch as the petitioner seems to be a distant relation of the other validity holders, the fact remains that the committee for the reasons best known to it has allowed a common vigilance enquiry to be conducted in the matters of the aforementioned seven individuals including petitioner's cousin Rahul Ashok Bogulwar.

6. Once the same set of evidence has already been scrutinized by this Court thrice in the matter of Rahul Ashok Bogulwar, Saivamshi Shivram Bogulwar, and Sangita Balaji Bogulwar, we cannot take a different view by resorting to scrutiny of the same evidence.

7. For the reasons mentioned in the matters of the aforementioned three individuals, even the petitioner is entitled to have a certificate of validity.

8. The writ petition is partly allowed.

9. The impugned order is quashed and set aside. The respondent committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlu*' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to reopen.

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

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

mkd/-