



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

WRIT PETITION NO.4099 OF 2022

1. Shivaji S/o. Laxman Metalwad,
Age : 46 years, Occup. Service,
R/o. Karna, Tq. Mukhed,
Dist. Nanded.

...Petitioner

Versus

1. The State of Maharashtra
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai-32.
2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near Saint Lawrence High School,
Town Centre, CIDCO, Aurangabad
Dist. Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Nanded,
Tq.Dist.Nanded.
4. The Education Officer (Primary),
Zilla Parishad, Nanded
Tq.Dist.Nanded

5. Block Education Officer,
Panchayat Samiti, Mukhed,
Tq.Mukhed,Dist.Nanded.

...Respondents

...
Advocate for the Petitioner : Mr. Om D. Totawad h/f. Mr. C.R.Thorat
AGP for Respondent/State : Mrs.R.R.Tandale

...
**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 16 JANUARY 2025

PER COURT :

1. Heard both sides.
2. Petitioner is aggrieved by common judgment and order dated 11.02.2022 invalidating tribe certificate of the petitioner and his childrens. Learned counsel for the petitioner tenders on record judgment and order dated 12.09.2023 passed by Coordinate Bench of this Court in the matters of **Vidya Shivaji Metalwad Vs. The State of Maharashtra** in Writ Petition No. 5202 of 2022 and **Vivek Shivaji Metalwad Vs. The State of Maharashtra** in Writ Petition No. 5432 of 2022 preferred by petitioner's son and daughter, granting validity conditionally. Learned AGP does not dispute this position.
3. The impugned judgment and order is common and obviously there is common record. There is no need to examine the matter independently. We adopt the same course and the reasons as done in the matters of son and daughter of the petitioner mentioned above.

Learned counsel for the petitioner submits that petitioner is ready to face the consequences as per the law laid down in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others** in **Writ Petition No. 5611 of 2018**. If that be so then petitioner also deserves conditional validity. We therefore pass following order :

ORDER

- i) Writ Petition is allowed partly.
- ii) The impugned judgment and order dated 11.02.2022 is quashed and set aside.
- iii) The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to '*Mannervarlú*' Scheduled tribe which shall be subject to the decision to be taken by the Committee in the reopened matters.
- iv) Petitioner shall not claim equities.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]