



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4668 OF 2025

MAHADEV DIGAMBAR SARGE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

...

- Mr. Sunil Mahadevappa Vibhute, Advocate for the Petitioner
- Mr. S. R. Wakale, AGP for Respondents/State

...

CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.
DATE : 07.04.2025

PER COURT :

. Heard.

2. The petitioner is challenging the order of respondent No. 2 – the Scrutiny Committee refusing to validate his *Koli Mahadev* scheduled tribe certificate in proceeding under Section 7 of Maharashtra Act No. XXIII of 2001 by the order dated 21.03.2025.

3. Issue notice. Learned AGP waives service for respondents.

4. At the joint request of the parties, the matter is heard finally today itself in the peculiar facts, which would be evident hereinafter.

5. As is being pointed out by the learned advocate for the petitioner, the petitioner's claim has been decided based on a vigilance enquiry report, a copy of which was served to his first-degree nephew, *Rohit Sanjay Sarge*. The show cause notice was in fact addressed to both of them, albeit, the committee could decide *Rohit's* matter first in point of time by the order dated 18.07.2019 (**Exhibit – 'F'**). On a challenge by Rohit in Writ Petition No. 9057 of 2019, his petition was allowed by the order dated 15.01.2021, and he was held entitled to have a certificate of validity, which was made coterminous with the validities in the family which the committee has decided to re-open.

6. Incidentally, even *Rohit's* real sister, *Vaishnavi Sanjaykumar Sarge*, was subsequently held entitled to have a certificate of validity in Writ Petition No. 12846 of 2021, by the order dated 24.11.2021.

7. Additionally, a distant cousin niece of the petitioner, *Gayatri Navnath Sarge*, was also held entitled to have a certificate of validity pursuant to order of this Court dated 04.09.2024, in Writ Petition No. 9536 of 2024.

8. The aforementioned circumstances demonstrate that the same set of evidence which found favour with this Court in the matter of *Rohit* is subject matter of scrutiny of the petitioner's claim. It would be inappropriate to undertake a fresh scrutiny of the same set of evidence to reach different conclusion.

9. For the selfsame reasons recorded in the matter of *Rohit*, the impugned judgment and order of the Scrutiny Committee is quashed and set aside. The committee shall issue a certificate of validity to the petitioner of '*Koli Mahadev*' scheduled tribe, which shall be coterminous with the validity which the committee has already decided to re-open.

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

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

jhs/