



(1)

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

949 WRIT PETITION NO. 4816 OF 2025

MALLIKARJUN SUBHASH DONKALWAR
RUSHIKESH SUBHASH DONKALWAR
SUBHASH GANGAYYA DONKALWAR

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY,
TRIBAL DEVELOPMENT DEPARTMENT, MUMBAI
2. THE SCHEDULED TRIBE CERTIFICATE VERIFICATION
COMMITTEE, KINWAT
3. THE SUPERINTENDENT OF POLICE, NANDED

....

Mr S. M. Vibhute, Advocate for petitioners
Mr S. R. Wakale, A.G.P. for respondents/State

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 8th April, 2025

PER COURT:

1. The petitioners are challenging the common judgment and order whereby respondent No.2/Scheduled Tribe Certificate Verification Committee, Chhatrapati Sambhajinagar has invalidated their individual 'Mannervarlu' scheduled tribe claims on 21/03/2025.

2. Issue notice to the respondents, returnable forthwith. Learned A.G.P. waives service of notice on behalf of all the respondents.

3. We have heard both the sides.

4. The petitioners' claims have been decided on the basis of a common vigilance enquiry and a common report dated 29/05/2024, in respect of petitioners Rushikesh, Mallikarjun and three other individuals, namely, Parth Vijay Donkalwar, Priti Vijay Donkalwar and Atharva Pandit Donkalwar. Having faced invalidation, Parth, Priti and Atharva had preferred Writ Petition No.6692/2024. By the order dated 18/07/2024, for the reasons recorded therein, a similar order of the scrutiny committee was quashed and set aside and they were held entitled to have a certificates of validity coterminus with the validities which the committee has decided to reopen.

5. The aforementioned circumstance makes it evident that a common set of evidence is the subject matter of the scrutiny of the respondent/scrutiny committee on two occasions, firstly while deciding the claims of Parth, Priti and Atharva and again passing the impugned order. If same set of evidence has already scrutinized by this Court in the matter of Parth, Priti and Atharva to reach a conclusion about their entitlement to have certificates of validity, in

(3)

our considered view, no fresh scrutiny of the same set of evidence can be resorted to, much less, to arrive at a impugned decision.

6. For the reasons recorded in Writ Petition No.6692/2024, the writ petition is allowed. The impugned judgment and order of the respondent/scrutiny committee is quashed and set aside. The petitioners are held entitled to have certificates of validity of 'Mannervarlu' scheduled tribe. The committee shall immediately issue certificates of tribe validity to the petitioners, which shall be subject to the final outcome of the matters of the validity holders which the committee has decided to reopen.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

sjk