



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

WRIT PETITION NO. 947 OF 2025

GAURI ANANDRAO PANHALE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND ANOTHER**

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Shri Thorat Chandrakant R., Advocate for the Petitioner.
Ms. V.N. Patil Jadhav, AGP for the Respondents/State.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 20th January, 2025

Per Court :-

The petitioner is challenging the order of
invalidation dated 29.11.2024.

2. We have heard the learned advocate for the
petitioner as also the learned AGP duly instructed by the Law
Officer of the Scrutiny Committee.

3. It is being pointed out that the vigilance enquiry
conducted in the matter of the petitioner's real brother Amit was
resorted to by the Committee even while deciding the petitioner's
claim meaning thereby, the documents for and against the claim

which were before the Committee in Amit's matter are the same in the petitioner's matter as well. It is being pointed out that in Writ Petition No.8908/2021 by the order dated 27.10.2021, similar order against Amit was quashed and set aside and it was directed that the certificate of validity be issued to him co-terminus with the validity of his father Anand.

4. The learned AGP would point out that the Committee subsequently undertook an exercise of reopening and has recalled father's validity, which order the father has challenged before this Court in Writ Petition No.935/2025 (***Anand Hashanna Panhale vs. The State of Maharashtra and others***). The learned AGP would, therefore, submit that the petitioner's claim cannot be decided independently and the matter needs to be tagged with his father's writ petition.

5. Accepting the aforementioned state of affairs as it is, admittedly the order of the Committee recalling the father's validity has been stayed by this Court. This would result in brother Amit's validity being still in force as also that of the father. If everything is to be concluded on the basis of the enquiry into the order of recalling the validity of father, there is

no propriety in keeping the petition pending and treating the petitioner differently than from her brother who would enjoy the benefits of the certificate of validity.

6. Besides as we have already indicated while staying the operation of the order recalling the father's validity, there are three judgments of the Division Benches of this Court in the matters of ***Rakesh Bhimashankar Umbarje and others vs. The State of Maharashtra and others***, Writ Petition No.5364/2023 (principal seat) dated 03.05.2023, ***Bharat Nagu Garud vs. State of Maharashtra and others***, Writ Petition No.8822/2022 (principal seat) dated 01.11.2023 and ***Anil Shivram Bandawar vs. District Caste Certificate Verification Committee, Gadhiroli and another***, (Nagpur Bench), 2021 (5) Mh.L.J. 345 : 2021 (5) All M.R. 11, *inter alia* holding lack of power in the Committee to undertake and exercise the power of review, which is the subject matter before the Supreme Court awaiting decision.

7. It is in these peculiar circumstances, we find no impediment in directing the Scrutiny Committee by quashing and setting aside the impugned order, to issue a certificate of validity to the petitioner co-terminus with the validity of father Anand.

8. The Writ Petition is partly allowed. The impugned order of respondent No.2 Committee is quashed and set aside. Respondent No.2 Committee shall immediately issue a certificate of validity to the petitioner of 'Mannervarlu', Scheduled Tribe, which shall be co-terminus with the validity of her father Anand.

kps

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