



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

WRIT PETITION NO. 2240 OF 2025

RAJESHAWAR SITARAM TOTEWAD

VERSUS

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

...

Shri Thorat Chandrakant R., Advocate for the Petitioner.
Shri V.M. Kagne, AGP for Respondent Nos.1 and 2/State.

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CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 28th February, 2025

Per Court :-

Leave granted to delete respondent Nos.3 to 5.

Amendment to be carried out forthwith.

2. Heard both sides.

3. Issue notice to the respondents. The learned AGP waives service of notice for respondent Nos.1 and 2.

4. The petitioner is taking an exception to the judgment and order of respondent No.2 Scrutiny Committee passed in the proceedings under Section 7 of the Maharashtra Act No.XXIII of 2001 whereby, it has refused to recognize and validate his

‘Mannervarlu’, Scheduled Tribe claim.

5. The learned advocate for the petitioner submits that there are number of validities in the family. The petitioner’s real sister Laxmibai Sitaram Totewad, cousin Madhav Pandurang Totewad and Madhav’s daughter Shreya, possess certificates of validity. In fact, Shreya was granted the validity pursuant to the order of this Court passed in Writ Petition No.10827/2024 dated 16.10.2024. He would further submit that the vigilance enquiry was conducted in Shreya’s matter. The petitioner was allowed to adopt her reply to the vigilance cell report and the Committee has proceeded to decide the petitioner’s claim by the impugned judgment and order. He would, therefore, submit that re-appreciation of same set of evidence is not required since this Court has already held that Shreya is entitled to have the certificate of validity. Reasons assigned in her matter are sufficient to allow the petition.

6. The learned AGP opposes the petition. He submits that each matter will have to be decided independently.

7. We have considered rival submissions and perused the papers.

8. There is no dispute about the fact that Shreya had faced invalidation and this Court has held her entitled to have the certificate of validity.

9. Paragraph 4 of the impugned judgment and order expressly mentions about the vigilance cell enquiry conducted in the matter of Shreya, which forms the basis for the Committee to undertake scrutiny in respect of the petitioner, and that he was allowed to adopt the reply of Shreya to the vigilance cell enquiry report, meaning thereby, same set of record is relied upon by the Committee to decide not only Shreya's matter, but even the petitioner's claim. Considering the fact that this Court in the matter of Shreya has already, for the reasons recorded in the order dated 16.10.2024, quashed and set aside the order of the Committee invalidating her tribe claim, no separate reasons are required to be assigned much less inconsistent with the reasons assigned by the division bench in her matter.

10. For the selfsame reasons as have been recorded in the matter of Shreya, the Writ Petition is partly allowed. The impugned order is quashed and set aside. The Scrutiny Committee shall immediately issue a certificate of validity to the

petitioner of 'Mannervarlu', Scheduled Tribe, which shall be co-terminus with the validity of Madhav Pandurang Totewad. The petitioner shall not be entitled to claim equities.

kps

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