

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

**901 WRIT PETITION NO. 14715 OF 2021  
WITH  
CIVIL APPLICATION NO. 12480 OF 2024  
IN WP/14715/2021**

Sharad s/o Ramdas Wankhede,  
Age: 54 years, Occu: Service,  
R/o Pote Apartment No.3, B-50,  
3<sup>rd</sup> Floor, Teesgaon Road, Jimmy  
Baug, Kalyan (E), District Thane

....PETITIONER

VERSUS

1. The State of Maharashtra,  
Trough Secretary,  
Department of Tribal Development,  
Mantralaya, Mumbai-32
2. Scheduled Tribes Certificate  
Scrutiny Committee,  
Through its Member Secretary,  
Nandurbar, District Nandurbar
3. R. V. Nerulkar High School/Jr. College,  
Pandurangwadi, Manpada Road,  
Dombiwali (East), 421 201

....RESPONDENTS

....

Mr D. B. Shinde, Advocate for petitioner  
Mr M. M. Nerlikar, A.G.P. for respondent Nos.1 & 2

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

**DATE : 14th January, 2025**

(2)

**ORAL JUDGMENT :**

1. Heard both the sides.
2. Though several issues have been raised, the facts remain that the judgment and order under challenge is a common judgment in the matter of three individuals including the petitioner. On a challenge to the selfsame order at the instance of two others, namely, Mohan Prakash Wankhede and Sohan Prakash Wankhede in Writ Petition No.441/2022, by the judgment and order dated 25/10/2024, the order under challenge has already been set aside qua those two petitioners.
3. Since it is a common judgment and order which has already been dealt with by the co-ordinate bench, which has set aside the same, this division bench cannot pass any separate judgment and order, much less, inconsistent with the view taken by the co-ordinate bench.
4. For this reason, without indulging into a fresh scrutiny of the judgment and order on all fours, for the selfsame reasons as recorded in Mohan Prakash Wankhede and Sohan Prakash

(3)

Wankhede, the impugned judgment and order is quashed and set aside even to the extent of the petitioner.

5. Suffice for the purpose to observe that there have been consistent validities in the family, the relationship of the petitioner with the validity holders has not been questioned by the Committee.

6. The writ petition is allowed. The impugned judgment and order is quashed and set aside even to the extent of the petitioner. The committee shall immediately issue a tribe validity certificate to the petitioner belonging to the 'Thakur' Scheduled Tribe category.

7. Pending civil application also stands disposed of.

8. Rule is made absolute in above terms.

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

sjk