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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4055 OF 2023

Abhijit Ravindra Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 1387 OF 2023**

Ganesh s/o. Pundlik Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 1430 OF 2023
WITH
INTERIM APPLICATION NO. 241 OF 2025**

Devyani d/o. Budhaji Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 4056 OF 2023**

Prakash Sudhakar Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 4057 OF 2023**

Gopinath Budhaji Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 4251 OF 2023**

Atul Nivruttinath Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 4938 OF 2023**

Ranjana Yadavrao Pawar @ Ranjana
Dashrath Suryawanshi. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 4936 OF 2023**

Vedwati Ulhas Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

**WITH
WRIT PETITION NO. 4937 OF 2023**

Kirtikumar Gopinath Pawar. ... Petitioner.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Sushant C. Yeramwar, for the Petitioners.
Ms. D.S. Deshmukh, AGP for Respondent/State.
Ms. Chaitrali Deshmukh, for Respondent No. 3.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 3rd APRIL, 2025

P.C. :

1. By an Order dated 7.1.2025 passed by this Court (Coram:

Bharati Dangre & Ashwin D. Bhobe, JJ), it was observed that there are 7 validity holders from close paternal side relatives of the Petitioner and, therefore, if the Committee desires to oppose these Petitions, the concerned Officer of the Scrutiny Committee would remain present in the Court for the hearing.

2. The learned Advocate for the Petitioner places on record genealogy tree, copy of which is at page 80 of the paper book, for ready reference. The same is marked as 'X' for identification.

3. The learned Advocate for the Petitioner submits that there are 7 validity holders, out of which 6 were granted by the Committee and one is by the Hon'ble High Court. Recently, 4 more paternal relatives have been granted validity certificates by the High Court.

4. The learned AGPs submit on instructions that since relations between the Petitioners and the 6 validity holders is not disputed, an appropriate order may be passed.

5. We find that the validity certificates earlier granted by the Committee and those granted by the High Court, were brought to the notice of the Committee. We have said in many orders that we are

surprised by the conduct of the Committee Members and at times, the circumstances convince us to observe that the Committee Members appear to be predetermined to reject the claims. Though there are several validity certificates granted by the Committee as well as by the High Court, they venture into rejecting the claims of the Petitioners, thereby driving them to the High Court to indulge in litigation. Time and again, we have cautioned the Committee Members that one day we would be imposing heavy costs. This observation is aimed at convincing them that one day we would be passing strict orders. Unfortunately, our observations do not deter the Committee Members and it appears that they are getting emboldened day by day in passing such orders.

6. The genealogy tree marked as “X” indicates that the High Court has granted validity certificates to 5 paternal relatives of the Petitioners. All these relatives are in the close blood lineage. The Committee has also granted validity certificates to 6 relatives of Petitioner. In Yash Kalidas Pawar and Shreyas Kalidas Pawar (Writ Petition No. 3319 of 2023), Ashok Laxman Pawar (Writ Petition No. 3314 of 2023) and Monali Ashok Pawar (Writ Petition No. 3316 of 23), this Court has delivered a Judgment on 5th December, 2024 discussing the entire family tree.

7. Time has come to pass an order which would factually deter the Committee, presumably, from passing fanciful orders. The Committee Members must learn to respect the judicial pronouncement. *Apoorva d/o Nichale v/s. Divisional Caste Certificate Scrutiny Committee No. 1 Nagpur, (2010(6) Mh.L.J. 401)* is a Judgment which is a clear dictum to the Committee. When paternal blood relatives are found to be validity certificate holders and if the vigilance cell enquiry has been conducted, further vigilance cell enquiry may not be necessary keeping in view the law laid down by the Hon'ble Supreme Court in *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v/s. The State of Maharashtra and Ors. (AIR 2023 SC 1657)*.

8. Recently, in one matter, we had noticed 28 validity holders in *Writ Petition No. 2135 of 2025 (Priyanka d/o. Anil Rajwade v/s. The state of Maharashtra & Anr.)*. This Court had to indulge in the said Petition since the Petitioner was declined the certificate despite 28 paternal blood relative having been granted validity certificates by the Committee and by the High Court. Recently, this Court at the Aurangabad Bench (Coram : Mangesh S. Patil & Y.G. Khobragade, JJ) passed an order dated 25.3.2025 in *Writ Petition No. 2567 of 2025 (Sakshi Balaji Alewad through Guardian Balaji Mahajan Alewad v/s.*

The State of Maharashtra & anr.) directing departmental enquiry against the Committee Members for their high-handed approach and delivering orders as per their whims and fancies.

9. Hence, in the present case, we deem it appropriate to first impose cost on the Committee Members. If their conduct is found to be repeated in further matters, we would consider adopting the same approach as in Writ Petition No. 2567 of 2025.

10. The learned AGP is instructed by the Law Officer present in the court to canvass that the Committee was not having any knowledge about validity certificates granted to 6 persons and the High Court having granted a validity certificate to one of the closest relative. This statement, per-se is false in the light of the fact recorded on page 186, which is internal page-7 of the impugned Judgment, indicating that the lawyer representing the Petitioner in this Court, was the lawyer representing the candidates before the Committee and 6 validity certificates were brought to the notice of the Committee besides one validity granted by the High Court.

11. We are informed that Committee Members with reference to

these cases are as under :

- (a) Mr. Kiran Mali, Joint Commissioner and Vice President.
- (b) Mr. Santosh Thube, Deputy Director (Research) and Member Secretary.
- (c) Ms. Minakshi Unhale, Research Officer and Member.

12. Hence, in view of the above, **these Writ Petitions are allowed.** The impugned Judgment to the extent of these Petitioners is quashed and set aside. Validity certificates shall be issued to these Petitioners within 30 days from today.

13. There are 9 Petitioners before us who have filed their individual Petitions. Hence, we are quantifying the costs in sum total and we direct that the amount of cost of Rs. 50,000/-, per member of the Committee, shall be deposited as costs within 30 days from today. The learned Advocate for the Petitioners generously submits that this amount be donated for a public cause

14. Registry to transfer the amount to the following establishments :

1. In Defense of Animals

Account No.04060100019102
Bank Name: Bank of Baroda
Branch - Chandavarkar Road Branch, Matunga
IFSC: BARBOCHANDA ('O' is a digit not alphabet)
MICR No.: 400012046.

2. National Association for the Blind

Account No: 3740000100008551
Bank : Punjab National Bank
Branch : Worli Seaface
IFSC Code: PUNB0374000

3. Girija Welfare Association

Account No.309006361574
Bank Name: RBL BANK
Branch – Kharghar
IFSC: RATN0000078

14. In view of the disposal of the Writ Petitions, the **Interim Application stands disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)