IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 WRIT PETITION NO. 5206 OF 2026

SHRIHARI RAMCHANDRA MARAKWAD
VERSUS
THE STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY AND ORS

...

Mr. Mahesh Deshmukh h/f Mr. Viraj S Yelmame, Advocate for the Petitioner
Mr. N. B. Patil, AGP for Respondent-State

....

CORAM : SANDIPKUMAR C. MORE AND ABASAHEB D. SHINDE, JJ.
DATED : 07/05/2026

P. C. : (PER : ABASAHEB D. SHINDE, J.)

1. Heard learned counsel for the petitioner and learned AGP.

2. The petitioner is challenging the order passed by the respondent / Scrutiny Committee dated 02/03/2026 by which the Scrutiny Committee has set aside the earlier validity certificate issued in favour of the petitioner and confiscated the validity certificate as well as the caste certificate.

3. Learned counsel for the petitioner has invited our attention to order passed by this court in the case of sister of petitioner namely Tejaswini Ramchandra Marakwad dated 02/07/2024 in Writ Petition No. 9491 of 2022 wherein this court has observed thus :

> *"6. Having heard boththe sides for sufficient time, it transpires that the petitioner's real brother Shrikant Ramchandra Marakwad was directed to be issued*

certificate of validity by division bench of this Court in Writ Petition No.10497 of 2017 by order dated 05.10.2017 (Principal Seat). This in itself should be sufficient, in our considered view, to grant certificate of validity to the petitioner by following the decision in the matters of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and others; 2023 SCC Online SC 326 and Apoorva d/o Vinay Nichale vs. Divisional Caste Certificate Committee no.1 and others; 2010(6) Mh.L.J.401***.

9. *Though the committee has been bold enough in observing in the impugned order that even it is considering to resort to review of the order passed at the Principal Seat in the matter of Shrikant, admittedly, no such review application has been preferred for last more than 6 years and 10 months. If this is the state-of-affairs, petitioner would be entitled to derive the benefit of the validities in the family particularly the one granted by the order of this Court.*

10. *As far as the other validities are concerned, irrespective of the fact that the issue regarding committee's power and jurisdiction to undertake review has been sub-judice before the Supreme Court as is being reported, till the time their validity certificates are not confiscated and cancelled by resorting to the due process of law, even those validities would enure to the petitioner's benefit.*

> *14. The respondent-committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Mannervarlu' scheduled tribe in the prescribed format without incorporating anything. The validity shall be subject to the final outcome of the review application which the committee has decided to prefer in the matter of Shrikant Ramchandra Marakwad."*

4. Prima facie, it appears from the observations made in paragraph 14 (supra) that, while directing issuance of a validity certificate to the sister of the petitioner, this Court had taken note of the submission advanced on behalf of the Scrutiny Committee that they proposed to file a review application in the case of Shrikant Ramchandra Marakwad. Instead of filing review application, the Scrutiny Committee has now undertaken proceedings to cancel the validity certificate earlier granted in favour of the petitioner.

5. In that view of the matter, we are inclined to grant interim relief by directing the respondents not to take any coercive action against the petitioner pursuant to the impugned order.

6. Stand over to 02/07/2026.

(ABASAHEB D. SHINDE, J.) **(SANDIPKUMAR C. MORE, J.)**

VS Maind/-