

(Corrected as per speaking to minutes of the order dated 19.12.2025, in bold)

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

WRIT PETITION NO. 8452 OF 2025

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Ravsaheb Irasha Koli

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

.....

Mr. Chintamani K. Bhangoji for the Petitioner.

Mr. S.B. Kalel, AGP for the Respondent - State.

.....

**Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.**

Date : December 09, 2025.

ORAL JUDGMENT :- (Per M.S. Karnik, J.)

1. The challenge in this petition is to the order dated 21st April 2025 passed by the respondent No.2 - Caste Scrutiny Committee. The committee invalidated the caste claim of the petitioner as belonging to Koli Mahadev Scheduled Tribes, which is notified and listed as scheduled tribe at Sr. No.29 in the State of Maharashtra. In an earlier round of litigation before this Court in Writ Petition No. 15995 of 2022 challenging the order passed by the Scrutiny Committee, this Court on

29th August 2023 (Coram: Sunil B. Shukre & Firdosh P. Pooniwalla, JJ)
passed the following order. The relevant portion of the order reads
thus :-

"2. From the impugned order dated 12.12.2022 passed by Respondent No.2-Committee, one can see that even though there exists an old documents showing entry of the date of 27.09.1913 in the name of one Dhanappa Irasha Koli, who is cousin grandfather of the petitioner from the paternal side, the Scrutiny Committee has not considered the document at all. It is also seen that there is another entry of the year 1923 standing in the name of one Bhimsha Irappa Basgonda Koli, grandfather of the petitioner, which also has not been considered by the Scrutiny Committee in any manner. Both these entries show that the persons named therein are of Mahadeo Koli community. It is further seen that initially the Scrutiny Committee has expressed its doubt about these two documents stating that entries contained in these documents were prima facie of doubtful nature, and therefore, it called for some sort of fact finding report from the Education Officer, which was indeed given by the Education Officer certifying both these entries to be true and correct. However, such certification by the Education Officer has also not been considered by the Scrutiny Committee. These entries being important and having potential effect on claim of the petitioner ought to have been appropriately considered by the Scrutiny Committee, but that has not been done, and therefore, the entire scrutiny conducted by the Scrutiny Committee has been vitiated. That means this petition would have to be allowed with following directions:-

(i) The Petition is allowed.

(ii) The impugned order dated 12.12.2022 passed by Respondent No.2-Committee is hereby quashed and set aside.

(iii) The matter is remanded back to Respondent No.2-Committee for consideration afresh the claim of the petitioner that he belongs to "Koli Mahadeo" Scheduled Tribe in accordance with law.

(iv) Respondent No.2-Committee shall consider all the documents produced before it by the petitioner and appreciating them in accordance with law, shall record its findings in the matter.

(v) Petitioner is at liberty to produce fresh documents before Respondent No.2-Committee.

(vi) Respondent No.2-Committee shall decide the tribe claim of the petitioner in accordance with law at the earliest and in any case within a period of eight weeks from the date of appearance of the petitioner before Respondent No.2-Committee.

(vii) Petitioner shall appear before Respondent No.2-Committee on 04.09.2023 at 11.30 a.m.”

(emphasis supplied)

2. Accordingly, the matter was heard by the scrutiny committee. The scrutiny committee after hearing the petitioner and considering the report of the Vigilance Cell dated 17th October 2023 concluded that there is some doubt about the two documents, which are referred to by this Court in the order dated 29th August 2023. The caste claim of the petitioner was, therefore, invalidated.

3. Learned AGP argued in support of the impugned order.

4. Heard. We have carefully perused the impugned order and the order dated 29th August 2023 passed by this Court. This Court has clearly observed in the earlier round that the scrutiny committee has expressed its doubt over the two documents and, therefore it called

some sort of fact finding report from the Education Officer. The Education Officer certified both these documents to be true and correct. It is in this context, this Court held that such certification by the Education Officer has not been considered by the scrutiny committee. This Court observed that these entries being important and having potential effect on the claim of the petitioner ought to have been properly considered by the scrutiny committee.

5. Post the remand, the scrutiny committee on the basis of fresh Vigilance Cell report dated 17th October 2023 came to the conclusion that the entries appeared to be doubtful. In such circumstances, the scrutiny committee was of the opinion that no reliance can be placed on the certification of the Education Officer. We are of the opinion that such an approach of the scrutiny committee is unwarranted which calls for interference. In the first instance, it was the scrutiny committee which had called for the fact finding report from the Education Officer. The Education Officer had certified both these entries to be true and correct. This Court had categorically observed that the entries being important and having the potential effect on the claim of the petitioner, the petitioner ought to have been properly considered. Once this court having dealt with certification of these two entries by the Education Officer and observed the same to be true

and correct, in our opinion, then it was not open to the scrutiny committee to again re-verify the genuineness of these two entries. The scrutiny committee should have proceeded to decide the claim on the certification by the Education Officer as correct, which report of the Education Officer was at the instance of the scrutiny committee itself.

6. In our opinion, the impugned order, therefore, calls for interference. At the cost of repetition, the petitioner has relied upon the entry of the year 1923 standing in the name of Bhimsha Irappa Basgonda Koli grand-father of the petitioner, as also the entry dated 27th September **1913** in the name of one Dhanappa Irasha Koli, who is cousin grand-father of the petitioner from the paternal side. The genealogy or the relationship of the petitioner with these relatives is not disputed.

7. The pre-constitutional documents clearly indicate the caste of petitioner's close relatives as Hindu Mahadev Koli. In our view, the caste scrutiny committee should not have gone beyond the findings of this Court found in the order dated 29th August, 2023. The caste scrutiny committee shall consider the claim of the petitioner on the basis that the certification by the Education Officer of these entries are true and correct.

8. In view of the above, the impugned order is quashed and set aside and the matter is remanded to the caste scrutiny committee for deciding the claim of the petitioner in terms of order dated 29th August 2023 passed by this Court as well as in terms of what has been observed in this order.

9. The petitioner shall appear before the respondent No.2 - caste scrutiny committee on 30th December 2025 at 11.30 a.m. The tribes claim of the petitioner be decided in accordance with law expeditiously and in any case, within a period of 8 weeks from the date of appearance of the petitioner before the respondent No. 2 caste scrutiny committee.

10. The Writ Petition is disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]