



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10718 OF 2026

Mohit S/o Ashok Bagul

Age : 18 years, Occu : Education,

R/o. Dondaicha – Warwade (M CI)

Tq. Sindkhede, Dist. Dhule

.. Petitioner

Versus

1] State of Maharashtra
Through Secretary,
Tribe Development Department,
Mantralaya, Mumbai – 32.

2] Scheduled Tribe Certificate
Scrutiny Committee, Dhule,
Through its Member Secretary

.. Respondents

- ...
- **Mr. Sanjiv Deshpande**, *Senior Counsel i/by Mr. Sagar S. Phatale And Vasant Bholankar, Advocate for the Petitioner.*
 - **Mr. S. R. Yadav-Lonikar**, *AGP for Respondents – State.*
- ...

CORAM : **KISHORE C. SANT AND
JITENDRA JAIN, JJ.**

DATE : **21 SEPTEMBER 2026**

JUDGMENT (PER – JITENDRA JAIN, J.) :

1. Rule. Rule made returnable forthwith. By consent of learned counsel for the parties, petition is taken up for final hearing looking at the imminent urgency that the admission process for the NEET (UG) 2026 commences from 23.09.2026.

2. After hearing the parties, this Court dictated the operative order on 21.09.2026, allowing the petition in terms of prayer clauses (A) and (B), wherein it was specifically mentioned that the reasons would be recorded separately. The detailed reasoned order follows now.

3. This petition is filed by the petitioner – student, challenging the judgment and order passed by respondent no. 2 – Scrutiny Committee dated 28.07.2026, whereby the tribe certificate obtained by the petitioner has been invalidated. The petitioner further prays for a direction to respondent no. 2 – Committee to issue validity certificate forthwith, to enable him to take admission.

4. The petitioner obtained a tribe certificate dated 05.07.2024 issued by Sub Divisional Officer, Shirpur, certifying that the petitioner belongs to ‘Tokre Koli’, which is recognised as Scheduled Tribe. The petitioner thereafter made an application to respondent no. 2 – Committee for validation of the said certificate since he proposed to take admission in an educational institute. The petitioner filed various documents including the pre-constitutional documents in support of his claim. The petitioner also filed a reply dated 13.07.2026 with the office of respondent no. 2 in support of his claim.

5. Respondent no. 2, by order dated 28.07.2026 rejected the claim of the petitioner and invalidated the certificate primarily on the

ground that in the documents of 1939 and 1987 pertaining to the cousin sister of grandfather and father is shown as 'Koli' and 'Hindu Koli' respectively, though in the documents of 1918 and 1935, great grandfather and cousin grandfather, tribe was shown as belonging to 'Tokre Koli'.

6. We have heard learned senior counsel Mr. Deshpande for the petitioner and Mr. Lonikar, learned AGP for the respondent – State.

7. It is settled position that pre-constitutional documents have a higher probative value, and in case of any contra entry, the Court should consider pre-constitutional documents for deciding the tribe claim. In the instant case, admittedly, the document of 24.02.1918 of the petitioner's great grandfather, being school leaving certificate shows the caste as 'Tokre Koli'. Similarly, in the birth record of cousin grandfather dated 13.11.1935, the caste shown is 'Tokre Koli'. The Committee has not doubted the genuineness of these documents, nor any allegation regarding their genuineness formed the basis of the impugned order. Therefore, the contention of the learned AGP for the respondent – State that these documents **might have been tampered with**, cannot be accepted. Such a submission is purely based on surmises. The Vigilance Cell has also not doubted the genuineness of these documents. Prior to 1950, there was no reservation policy

conferring benefits and, therefore, there could not have been any reason for mentioning the caste as 'Tokre Koli', to gain any such benefit.

8. In our view, therefore, the documents of 1918 and 1935 ought to have been accepted by the respondent – Committee in support of the claim of the petitioner that he belongs to 'Tokre Koli' Scheduled Tribe.

9. The above views are supported by decision rendered in Writ Petition no. 5351 of 2021 (*Sarla Ramchandra Thakur Vs. State of Maharashtra and others*), dated 16.07.2026 of this Court, to which one of us (Kishore C. Sant, J.) was a party. Paragraph no. 5 of the above decision reads as under :-

“5. Having heard the parties, one thing is clear that there are undisputed entries of pre-independence period in respect of father and uncle of the petitioner. One entries is of 1936 and another entry is of 1918. This Court, thus, finds that when pre-independence entries are undisputed and are clear, the Committee ought to have given priority and considered those entries which prevail upon subsequent entries. It is not expected of the petitioner to show as to why the entries in the case of brother and sisters are made only as Hindu. When the petitioner has given pre-independence period documents, those would certainly carry weightage.” (emphasis supplied).

10. The Hon'ble Supreme Court in the case of *Veena Ashok Godsay @ Veena Hemant Sonawane V State of Maharashtra and others*¹ has reiterated by following the decision in the case of *Anand V*

¹ (Civil Appeal No. 19968 of 2017 dated 29.11.2017)

*Committee for Scrutiny and Verification of Tribe Claims*², that while dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of probative value to the declaration of status of a caste, as compared to post-Independence documents. The said decision of the Supreme Court has been subsequently followed by this Court in the case of ***Abasaheb Gulabrao Thakur V. State of Maharashtra and others*** (Writ Petition No. 7472 of 2021 dated 25.02.2026).

11. Learned counsel for the petitioner is justified in relying upon the decision of this Court in the case of ***Durga Sharad Patil V State of Maharashtra and another***, in Writ Petition No. 8619 of 2023 dated 20.09.2023 and more particularly paragraphs no. 7 and 8 thereof, which read as under :-

“7. The learned counsel for the petitioner has invited our attention to the reply filed to the vigilance report. The petitioner has dealt with the contrary entries in para no. 10 of the reply. We find that there is some justification in it. It can be seen that the entries are recorded at the instance of his forefathers or close relatives of the petitioners. In the present matter, birth and death entries were recorded prior to 1939, pre-independence period. There is no reason for recording false entry of caste to grab the benefits of social reservation at the relevant time. There was no distinction between 'Koli' or 'Tokre Koli'. Caste 'Koli' might have been regarded as generic. The element of deception or misrepresentation appears to be absent when alleged contrary entries were recorded before independence.

8. Its a common knowledge that by the presidential orders of 1950 or 1960, the particular caste is recognized as

scheduled tribe or scheduled caste. Till that period, the forefathers of the petitioner had no reason to deliberately claim themselves to be 'Tokre Koli'. The pre-independence entries might not have been subjected to interpolation or manipulation. We have noticed that there are consistent record of Tokre Koli after 1938. Under these circumstances, the petitioner cannot be nonsuited for alleged contrary entries. The Scrutiny Committee committed perversity in rejecting the caste claim of the petitioner because of the contrary entries." (emphasis supplied).

12. We have not been shown any contrary decision on the above issue.

13. We have also perused the original records of the Scrutiny Committee produced by the learned AGP for the State and no adverse documents have been shown which would justify the impugned order.

14. The reasoning of the Scrutiny Committee that in the case of father of the petitioner in the document of 01.03.1987, the caste is shown as 'Hindu Koli', cannot be accepted in view of the above decision of the Supreme Court in the case of **Anand** (supra). Insofar as the document of 15.09.1939 which pertains to cousin sister of the grandfather is concerned, reliance placed by respondent no. 2 – Committee, is also misconceived in the light of the above decision of the Supreme Court.

15. It is important to note that respondent no. 2 – Committee has relied on document of 1939 and 1987, to decide the claim against

the petitioner but has not given any finding with respect to pre-constitutional document of 1918 and 1935. This would be contrary to the above referred decisions which have taken a view that pre-constitutional document has higher probative value. The petitioner had brought to the notice of the Committee the decision in the case of **Anand** (supra) and other various decisions but, same has not been dealt with by respondent no. 2 – Committee in its impugned order.

16. For all the above reasons, we are of the view that the impugned order dated 28.07.2026 is required to be quashed and set aside. Respondent no. 2 – Committee is directed to forthwith issue validity certificate to the petitioner as belonging to ‘Tokre Koli’ Scheduled Tribe.

17. Hence, we pass the following order :-

ORDER

- i. The Writ Petition is **allowed in terms of prayer clause (A) and (B)** of the writ petition, which reads as under :-

(A) Issue Writ of Certiorari or order in the like nature thereby quash and set aside impugned Judgment & Order passed by Respondent No.2-Scheduled Tribe Certificate, Scrutiny Committee, Dhule, Dt. 28.07.2026.

(B) Hold and declare that the petitioner belongs to ‘Tokre

Koli', Scheduled Tribe and further direct the Respondent No.2 – Scrutiny Committee to forthwith issue certificate of validity in favour of petitioner in prescribed form within stipulated period.

18. Rule is made absolute in the above terms.

[JITENDRA JAIN]
JUDGE

[KISHORE C. SANT]
JUDGE

arp/