



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

WRIT PETITION NO. 11876 OF 2024

1. Tushar s/o Raju Raut,
Age : 21 years, Occu. : Education,
R/o. : Akalpur, Tal. Sangamner,
Dist. Ahmednagar.

2. Nikhil s/o Raju Raut,
Age : 18 years, Occu. : Education,
R/o. : Akalpur, Tal. Sangamner,
Dist. Ahmednagar.

.. Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
of Tribal Department,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe Certificate Scrutiny,
Committee, Nashik-2, Division Nashik,
Through its Deputy Director

.. Respondents

Mr. K. N. Shermale, Advocate for the Petitioners.

Mr. S. B. Pulkundwar, AGP for Respondent Nos. 1 & 2.

**CORAM : KISHORE C. SANT AND
AJIT B. KADETHANKAR, JJ.**

Date on which reserved for order : 17th July 2026.

Date on which order pronounced : 31st August, 2026.

FINAL ORDER (*PER KISHORE C. SANT, J.*) :-

1. The petitioners, real brothers, being aggrieved by common

judgment and order dated 23.09.2024 passed by the caste scrutiny committee i.e. respondent No. 2 in case Nos. 15/522/Edu./22024/67301 and 15/522/Edu./22024/67145 have approached this Court. By way of impugned judgment and order the respondent No. 2 committee has invalidated the tribe claim of the petitioners to be belonging to a Scheduled Tribe namely Koli Mahadev.

2. Petitioners' proposals were sent to respondent No. 2 committee for verification of their certificates issued by the learned S.D.O. Sangamner. The committee has mainly rejected the claim holding that the petitioners failed to prove their caste status as Koli Mahadev. There are contra entries wherein the relatives of the petitioners are shown to be belonging to Koli. In birth and death record maintained by the village panchayat their relatives are shown as belonging to Koli. So far as school record is concerned, it is observed that in the school record of grandfather of the petitioners the caste shown is Koli. Word म (M) is added subsequently. Other entries in respect of father and other relatives are after constitution era and therefore are not relied upon.

3. Learned advocate Mr. Shermale for the petitioners vehemently argued that the petitioners have sufficiently established their caste status as Koli Mahadev and certificates were rightly issued to them by the learned S.D.O., Sangamner. The school record of the petitioners shows that, when they were admitted to the school, in caste column they are shown as Mahadev Koli. The committee wrongly observed that word Mahadev in the caste column in school record of their grandfather is subsequently added in a different ink which is against the record. He submits that in the genealogy they had shown that there is validity granted in blood relation of the petitioners in respect of Mangesh Kushaba Raut and Ishwar Kushaba Raut who happens to be great grand sons of one Bala. Bala happened to be real brother of Umaji. Umaji was great great grandfather of the petitioners. He submits that the validity granted in favour of Mangesh and Ishwar are intact till today. The committee has ignored this factual aspect and failed to deliver correct judgment. The documents produced before the committee were not rightly appreciated. The committee wrongly relied on the entries shown as Koli in the revenue record. In the revenue record there is no question of writing a caste. On one hand they relied upon the

entries in the revenue record whereas, on the other hand they ignored the entries in the school record where caste is required to be mentioned. So far as allegation of overwriting is concerned, he relies upon the judgment in the case of *Sayanna Vs. State of Maharashtra and others*¹. He submits that the facts in the case of *Sayanna (supra)* are similar to the case in hand. He further relied upon the judgment in the cases of *Anand s/o Bharat Gajalwad And Others Vs. The State of Maharashtra And Another*² and *Santosh Anil Kolhe Vs. The State of Maharashtra And Another*³ with other connected matters.

4. Learned A.G.P on the other hand submits that the committee has rightly appreciated the record and the documents. Original record was also called by the committee. He relied upon the original register from the school i.e. Primary School, Zilla Parishad, Akapur, Taluka Sangamner showing the entries in the school record. The observations of the committee about different handwriting and different ink are thus based upon the observation by the committee from the original record. He relies upon the judgment in the case of *Shubham Sharad Mahandule Vs. The*

1 (2009) 10 SCC 268.

2 W. P. No. 12499/2024 (Aurangabad Bench).

3 W. P. No. 8316/2025 (Aurangabad Bench).

State of Maharashtra And Others⁴ with another connected matter.

He thus submits that no case is made out to allow the petition and prays for rejection.

5. Looking to the controversy it was found necessary to call for original record from the school where grandfather took education. This Court therefore had called for the original record for verification. Even the originals of school register that general register no. 1 from Primary School, Zilla Parishad, Aklapur, Taluka Sangamner is now made available to this Court for verification. On going through the submissions and going through the impugned judgment this Court needs to see whether reasons assigned by the committee are correct.

6. The reasons seen for invalidation are as below :

(i) The affinity test shows that the petitioners' relatives failed to show that they followed the rituals and customs of Mahadev Koli tribe in both the cases.

(ii) Birth and death register shows the caste of the descendants of the petitioners as Koli which is contrary to the claim. There is no proper explanation given by the petitioners.

4 W. P. No. 4704/2023 (Aurangabad Bench).

(iii) There is no pre independence document to support the claim of the petitioners as belonging to Koli Mahadev.

(iv) The entries in the school register in respect of grandfather Dattu and grand uncle Kushaba show that words 'म' & 'Mahadev' are inserted with different ink and in different handwriting.

7. Father's entry is taken on 18.06.1981. Entry in respect of one Nanda Rangnath Raut shows caste only Hindu Koli and entry is taken on 21.06.1985. Caste of Chanda Rangnath Raut is shown as Hindu Mahadev Koli in entry dated 02.07.1986. Caste of Vachhala Kushaba Raut though is shown to be Hindu Mahadev Koli, the entry is taken on 02.07.1986. However, no exact relation is shown with above persons. All these are the entries taken after 1981. There is no proper explanation given by the petitioners.

8. This Court has seen that the only entry of pre independence era is of 01.02.1946 i.e. school record of Primary School, Zilla Parishad, Aklapur in respect of Dattu Mahadu Raut, grandfather of the petitioners where it is found that word म is added between words Hindu and Koli. The committee also considered the certificate issued by the Headmaster showing that the word म is

added subsequently in different handwriting and in different ink. The same is the observation about Kushaba Rambhau Raut, grand uncle. There also the Headmaster has certified that the ink and handwriting is different of word 'Mahadev' showing that word 'Mahadev' is subsequently added. This Court has verified these entries from the original record which supports the observations of the committee.

9. So far as validity granted to Ishwar Kushaba Raut and Mangesh Kushaba Raut, the committee has observed that the validity holders have not shown genealogy in their inquiry. In those cases no pre independence entries were shown to the committee. Therefore, the committee could not make any observation in respect of the said entries. The contrary entries are found in respect of near relatives of the petitioners. This Court thus finds that, even the said observation is not against the record. The benefit cannot be taken of the entries of the validity holders i.e. Ishwar and Mangesh Kushaba Raut. The committee also considered the case of Rajaram Bhanudas Raut, another validity holder. In the said case also it is observed that the said Rajaram also did not file detailed genealogy in his inquiry. No proper

inquiry could be held by the vigilance cell in that case. It was observed that the said Rajaram had also obtained validity by misleading the committee.

10. So far as case of Sonyabapu Pandurang Raut is concerned, no proper genealogy was submitted by him. About one Pandharinath Karbhari Raut similar observations are made. Thus, considering all above, the committee did not accept the case of the petitioners. It is also specifically observed that there is no sufficient explanation given by the petitioners about the contra entries.

11. So far as original school record is concerned, this Court personally verified the entry no. 112 in respect of Dattu Mahadu Raut i.e. grandfather of the petitioners. Word ऋ is clearly inserted in the space between words Hindu and Koli. The words Hindu and Koli are the entries in fountain pen ink whereas, word ऋ is clearly seen in different handwriting and in different ink and pen. Date of birth is shown as 1946. So far as entry in the name of Kushaba Rambhau Raut, grand uncle, it is clearly seen that words Hindu Koli are in different handwriting and in different ink which appears to be dark in colour whereas word Mahadev is added

above the words Hindu and Koli by showing arrow towards word Mahadev, it is clearly appearing in faint ink. Handwriting is seen broad. Word Krushna is rounded and above that name Kushaba is written again in different ink and in different handwriting. The school record thus clearly shows that there is interpolation and insertion. This clearly shows that someone has played the mischief only to favour the petitioners. In any case, when such are the entries those cannot be taken to be genuine.

12. The petitioners for this purpose relied upon the judgment in the case of ***Sayanna*** (*supra*). In the case of ***Sayanna*** the Hon'ble Apex Court held that when it is not shown by the committee that the insertion is at the hands of the petitioner or the claimant it cannot be said that he is the author of the entry and such entry cannot be used against the petitioner. Whether it is necessary to go into the aspect and whether it is petitioner himself who has done the interpolation, however, at the same time it cannot be forgotten that the petitioner cannot take benefit of any mischief even done by any other person. Section 8 of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special

Backward Category (Regulation of Issuance And Verification of) Caste Certificate Act, 2000 (for short “the said Act”) requires for the claimant to prove his case specifically and for that purpose it is his duty to show that the record is genuine. The reverse burden cannot be put upon the committee to show that the interpolation/insertion is done by the claimant himself. Section 8 of the said Act reads as under :

“8. Burden of proof :

Where an application is made to the Competent Authority under section 3 for the issue of a Caste Certificate in respect of Scheduled Castes, Scheduled Tribes, De-notified tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes or Special Backward Category and in any enquiry conducted by the Competent Authority and Scrutiny Committee or the Appellate Authority under this Act or any trial of offence under this Act, the burden of proving that the person belonged to such Caste, Tribe or Class shall be on such claimant applicant.”

13. In view of section 8 of the said Act it is clear that the burden is clearly on the person who claims caste status or tribe status to prove the same. When the burden is on the person, he has to strictly prove the caste status. When any interpolation is made, there is every reason to believe that it is made only for the benefit of a person who claims benefit of such an act. It is for this reason, in the present case, this Court finds that the main question is not

as to whether the interpolation is done at the hands of the petitioners. What is material is that there is interpolation. There is nothing on record to show that this correction is done by following any procedure provided for correction of the entries in the school record. There is also no material to show that it is done with the knowledge of the person in whose custody the record is kept.

14. It is only if a person is to be criminally prosecuted for committing the act of interpolation, overwriting etc. it will have to be proved that the claimant has committed interpolation etc. The committee and the Court only has to consider as to whether benefit can be given of such a wrong to a person who claims caste status on the basis of such an entry. The answer has to be no. Otherwise this will create chaos and will encourage the persons to take disadvantage of such practice and then to take a defence that it is not done by the claimant himself.

15. It is for this reason the committee is not expected to prove that the interpolation or overwriting is done by the petitioners or someone else on behalf of the petitioners. No such burden can be shifted upon the committee. In the present case, as observed

above, the petitioners failed to show that the entries which appear to be interpolated is done by following procedure of law. There is no sufficient explanation about the contra entries. It is trite law that, no entries after the presidential order can be considered. The affinity test is also against the petitioners in this case though the affinity test itself is not a criteria to decide the validity. However, there must be some other thing to be established by the claimant and then the affinity test can be considered as corroborating material.

16. Coming to the judgment in the case of **Anand s/o Bharat Gajalwad And Others** (*supra*), this Court had granted validity conditionally subject to outcome of reverification that was sought to be undertaken by the committee in respect of the validity holders on whose the petitioner in the said petition had relied upon. This judgment would not help the petitioners.

17. So far as judgment in the case of **Santosh Anil Kolhe** (*supra*) is concerned, a challenge to the committee's judgment was on the ground that the committee in that case cancelled the validation already granted by recalling its own earlier order. It was on the ground that while obtaining the validity certificate there was

suppression and misrepresentations made by the claimants. This Court considered the judgments in the cases of *(i) Bharat Nagu Garud Vs. State of Maharashtra And Others*⁵, *(ii) Anil Shivram Bandawar Vs. District Caste Certificate Verification Committee And Another*⁶ and *(iii) Rakesh Bhimashankar Umbarje Vs. State of Maharashtra And Others*⁷. In these three writ petitions this Court at Principal Seat has taken a view that the committee does not have the powers to review its own order and to re-open the cases. This Court finds that, even these judgments are of no help on the facts of the case.

18. So far as judgment relied upon by the learned A.G.P in the case of *Shubham Sharad Mahandule Vs. The State of Maharashtra And Others* (*supra*) is concerned, this Court in the said case has relied upon the judgment in the case of *Apoorva D/o Vijay Nichale Vs. Divisional Caste Certificate Scrutiny Committee And Others*⁸. The Court also relied upon the judgment in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra And Others*⁹. It is relied upon for the purpose to show that there was interpolation in the caste column in the

5 2024 (7) ALL MR 45.

6 2021 (5) Mh.L.J. 345.

7 2023 63 OnLine Bom 1013.

8 2010 (6) Mh.L.J. 401.

9 2023 SCC Online SC 326.

school register in respect of the petitioner namely Ananda. There the word Mahadev was added as a prefix to original entry Koli. The same was in different handwriting and in different ink. It is in that view the Court refused to grant any benefit to the petitioner. The Court in that case considered the judgment in the case of ***Sayanna*** (*supra*) and has taken this view as the facts were not identical.

19. In the present case also this Court finds that the facts are identical to the case of ***Shubham Sharad Mahandule*** (*supra*) with respect to this. This Court also observed that the judgment in the case of ***Sayanna*** (*supra*) would not be applicable in the facts of present case as observed in earlier foregoing paragraphs.

20. This Court thus finds that the petitioners failed to make out a case calling for interference at the hands of this Court under Article 226 of the Constitution of India with the impugned judgment of the caste scrutiny committee. Consequently, this Court finds that there is no merit in the writ petition. Hence, following order :

ORDER

(I) The writ petition stands dismissed.

(II) The original record be given back to the learned A.G.P for sending it to the proper authority.

(AJIT B. KADETHANKAR, J.)

(KISHORE C. SANT, J.)

21. At this stage, learned advocate for the petitioners prays for continuation of the interim arrangement.

22. Since the interim arrangement is in force since 2024, the same be continued for a period of eight (08) weeks from today.

(AJIT B. KADETHANKAR, J.)

(KISHORE C. SANT, J.)

PS.B.