

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

WRIT PETITION NO.3991 OF 2026

Ku. Ganesh S/o Santosh Koli
Age: 17 years (minor), Occu – Student,
Through his father
Shri. Santosh S/o Yamanappa Koli,
Age – 39 years, Occu – primary Teacher,
Address – At Post Mali Nagar (Maharshi Nagar),
Taluka – Malshiras,
Dist. Solapur.

...Petitioner.

VERSUS

1. The State of Maharashtra
Through The Secretary and Ors.
 - 1) Tribal Development Department
Mantralaya Mumbai – 325
 - 2) Other Backwad Bahujan
welfare department.
Mantralaya Mumbai – 325
 - 3) General administration department
Mantralaya Mumbai – 325
 - 4) Social Justice and special Assistance
Department
Mantralaya Mumbai – 325.
2. Tribal Research and Training Institute
Pune, through its commissioner
28, queens garden, near old circuit
Camp, Pune – 411001.
3. Scheduled Tribe Certificates Scrutiny
Committee, Pune Division, Pune
Kapil Towers C wing, 5th floor,

near RTO office,
Pune – 411001

4. National Institute of Technology
Karnataka Suratkal,
P.O. Srinivasnagar, Manglore 575025
Union of India
5. Union of India
Department of Higher education
Through its secretary
and
National Testing Agency (NTA)
Through its Director general
First Floor, NSIC-MDBP BUILDING,
Okhla Industrial estate, new Delhi – 110020.

...Respondents.

Appearance :

Ms. Vaishali Suryawanshi – Birajdar a/w Ms. Surekha H. Kamble, Advocate for the Petitioner

Ms. Tejas J. Kapre, AGP for the Respondents - State

Coram : Sharmila U. Deshmukh &
Neeraj P. Dhote, JJ.

Date : August 20, 2026.

JUDGMENT : [PER NEERAJ P. DHOTE, J.]

1. By consent of both the sides, heard finally at the admission stage.
2. Impugned in the Writ Petition is the order dated 13.08.2026 passed by Respondent No.3 – Scrutiny Committee, invalidating the

Petitioner's tribe claim towards "Koli Mahadev". The Petitioner is a Student and aspiring for admission in Respondent No.4 – Institute from the Scheduled Tribe category. The Petitioner's claim towards "Koli Mahadev" Scheduled Tribe was referred for verification by the Educational Institution where he is taking education. In support of his tribe claim, the Petitioner submitted the caste certificate of himself, of his father, entries in the school record of his cousin-grandfather, etc. The Scrutiny Committee directed an inquiry by the Vigilance Cell. The Vigilance Cell conducted the inquiry and submitted its report. The Vigilance Cell collected the extract of entry in the school record of the Petitioner's grandfather showing his caste as "Koli". Considering the documents on record, the Scrutiny Committee passed the impugned order.

3. It is submitted by the learned Advocate for the Petitioner that, the Committee has not considered the documentary evidence available on record in its right perspective and only on the basis of one entry of "Koli" in the school record of the Petitioner's grandfather, invalidated the Petitioner's tribe claim. The observations made by the Scrutiny Committee in the impugned order are contrary to the documents on record. In support of her contentions, she relied on the decision in **Prabhu S/o Narayan Survase Vs. State of Maharashtra and Ors.; 2004**

(4) ALL MR 815, wherein the historical aspects of the “Koli Mahadev” tribe is considered. She submitted that, on the basis of the documents on record, the impugned order needs to be quashed and set aside and the Petitioner is entitled for the validity certificate for the “Koli Mahadev” Scheduled Tribe.

4. It is submitted by the learned AGP appearing for the State and the Scrutiny Committee that, an entry of “Koli” was found in the school record of the Petitioner’s grandfather in the Vigilance Cell inquiry. The Committee has rightly discarded the entry of “Koli Mahadev” in the school record of the Petitioner’s cousin-grandfather, as the same was not found to be trustworthy. The cousin-grandfather had taken the admission in the first standard at the age of 10 years, though the minimum age for admission to the first standard was 6 years. She submitted that, the Scrutiny Committee has rightly considered the evidence on record and no fault can be found with the impugned order and the Petition be dismissed.

5. The record was called from the Scrutiny Committee. Perusal of the same goes to show that, the genealogy / family tree was submitted by the Petitioner’s father. The same is reproduced below :

वंशावळ

कै. शिवाप्पा बसाप्पा कोळी
(ओदवाराने सखे शजिमे)



कै. यमनाप्पा शिवाप्पा कोळी
(ओदवाराने सखे शजिमे)



सैतोष यमनाप्पा कोळी
(ओदवाराने वडील)



गणेश सैतोष कोळी
(ओदवार स्वतः)

कै. गुराप्पा शिवाप्पा कोळी
(ओदवाराने पालक शजिमे)



शिशिल गुराप्पा कोळी
(ओदवाराने पालक)



शाहूल शिशिल कोळी
(ओदवाराने कु.मड)

पोलीस निरीक्षक
इक्षता पथक अनुसूचित जमाती प्रमाणपत्र
तपासणी समिती, पुणे विभाग, पुणे

होमि
(सैतोष यमनाप्पा कोळी)

6. The following documents were submitted by the Petitioner in support of his tribe claim.

i	Affidavit of his father ;
ii	The school leaving certificate of the Petitioner ;
iii	The college leaving certificate of the Petitioner ;
iv	The extract from the school record of the Petitioner ;
v	The school leaving certificate of the Petitioner's father;
vi	The caste certificate of the Petitioner's father ;
vii	The death certificate of the Petitioner's grandfather ;
viii	The school leaving certificate of the Petitioner's cousin grandfather ;
ix	The extract of the general register of the school showing the name and caste of the cousin grandfather of the Petitioner ;
x	The 7/12 extract having the name of Petitioner's father and others ;
xi	Aadhar Card of the Petitioner ;
xii	The original caste certificate of the Petitioner ;

7. The Vigilance Cell conducted the inquiry and submitted its report. The Vigilance Cell collected the extract of school entry of the Petitioner's grandfather dated 01.06.1951, wherein his caste is mentioned as "Koli". The Vigilance Cell also found the school extract of the Petitioner's cousin-grandfather dated 09.06.1958, wherein his caste is mentioned as "Mahadev Koli". The observations made in the impugned order goes to show that the tribe claim of the Petitioner is invalidated on the ground that, the caste of the Petitioner's grandfather was mentioned in the school record as "Koli" and the entry in the school

record of the Petitioner's cousin-grandfather was not found to be credible. The Scrutiny Committee has given the following reasons to discard the school entry of the Petitioner's cousin-grandfather :

a	The Petitioner's grandfather was admitted in the first standard at the age of 10 years ;
b	There was one column seen in the extract prior to the column of serial number ;
c	The document was in two pages attached to each other ;

8. As regards the ground in respect of admission in the first standard at the age of 10 years is concerned, there is nothing to show that, admission in the first standard was not permitted or allowed at the age of 10 years. It is needless to state that, the minimum age for admission in the first standard is 6 years. The said entry is of June – 1958. Thus, in the absence of any material to show that, no admission was allowed at the age of 10 years, the said reason for rejecting the tribe claim is illogical. As regards the ground that there was one more column prior to the column of serial number, the coloured copy of the school extract at Page No.29 of the record shows that, the said observation of the Committee was erroneous. What can be seen by the naked eye is that, the prior page of the extract is seen to have got copied, which gives an impression that, there is one more column before the column of serial number "1". The said extract shows that, the said aspect is not only against the entry of the Petitioner's cousin-

grandfather; the same is also seen against the other entries on the said page. As regards the ground that, the two (02) pages appeared to be joined, the said extract clearly goes to show that, it is a single chart spread over two (02) pages of the school register. By no stretch of imagination, it can be said that, two different pages were joined. Even by the naked eye, one can make out that, it is a complete chart having various columns providing details in respect of the students of the said school. The two pages of the register makes the complete chart. The said reasoning given by the Committee in discarding the entry of the Petitioner's cousin-grandfather is unacceptable.

09. Undisputedly, the entry in respect of the Petitioner's grandfather – Yamanappa and the Petitioner's cousin grandfather – Guruappa are from the same school, i.e. Zilla Parishad, Primary School, Waradfarm, Taluka North Solapur, District – Solapur. The same is evident from the observations made in the impugned order. The same is reproduced below :

शाल्य चौकशी — जि. प. प्राथ.शाळा वारदफार्म, ता. उत्तर सोलापूर, जि. सोलापूर

अक्र	बुक नं.	रजि. नं.	विद्यार्थ्यांचे नाव	जात	जन्म दिनांक	दाखल दिनांक	उमेदवाराशी नाते
१	२	१७६	यमनप्पा शिवप्पा कोळी	कोळी	१२/५/१९४१	१/६/१९५१	आजोबा
२	२	१७७	गुरुप्पा शिवप्पा कोळी	महादेव कोळी	२/६/१९४८	९/६/१९५८	चुलत आजोबा

10. It is not the case that, the entry in respect of the Petitioner's grandfather showing his caste as "Koli", was made prior to the Presidential Notification / Constitution (Scheduled Tribes) Order, 1950. Both the entries, i.e. of the Petitioner's grandfather and the Petitioner's cousin-grandfather being post-constitution era, have the same evidentiary value and stand on the same footing. Had it been the case that, the entry of the Petitioner's grandfather was of pre-Constitution era, the situation would have been different. There is no finding by the Scrutiny Committee that, the caste entry of "Koli Mahadev" in the school extract of the Petitioner's cousin- grandfather was tampered. There is no dispute that, Yamanappa, i.e. Petitioner's grandfather and Guruappa, the Petitioner's cousin-grandfather, were real brothers and the papers goes to show that, they studied in the same school in Solapur District. Perusal of the aforesaid Judgment relied upon by the learned Advocate for the Petitioner goes to show that, it was the matter in respect of a tribe claim towards the "Koli Mahadev" Scheduled Tribe. This Court considered the historical background in respect of inclusion of "Koli Mahadev" in the Scheduled Tribes Order. It would not be out of place to reproduce the relevant paragraphs from the said Judgment ;

"8. Presidential notification, notifying the Constitution (Scheduled Tribes) Order, 1950, in so far as the State of Bombay is concerned, included amongst the Scheduled Tribes Koli Dhor and Koli Mahadev. At the relevant time, the five districts, now in Marathwada, were not a part of the Bombay State but were part of the State of Hyderabad. There was no inclusion of the tribe Koli Mahadeo among the Scheduled

Tribes notified for the State of Hyderabad. Thereafter even under the amendment to the Constitution (Scheduled) Tribes Order, 1950, the position remained as under :

Mahadeo Koli was declared Scheduled Tribe in the Bombay Province as early as 1933. For the State of Bombay, under item 12 were included Koli Dhor, Tokre Koli, Kolcha or Kolgha. Then under item 3(a) in certain talukas in Ahmednagar, Kolaba, Nashik, Poona and Thana, Koli Mahadev or Dongar were also notified as Scheduled Tribes.

Then came the scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. Under this, in so far as the State of Maharashtra is concerned, under item No.28 were included Koli, Dhor, Tokre Koli, Kolcha or Kolgha and under item No.29, Koli Mahadeo, Dongar Koli, and at item no.30 were Koli Malhar, for the entire State.

In the erstwhile State of Hyderabad there was an enactment, known as Tribal Areas Regulation, 1359 Fasli under which the 'Tribe' was defined to mean Bhils, Chenchus, Gonds, Hill Reddies, Kolams Koyas, Naikpods, Pardans, Totis. Thus, in erstwhile State, there was no reference to either Mahadeo Kolis or Kolis as Scheduled Tribe except as an agricultural community wherein it was referred to as Kolis. The Backward Classes Commission had however suggested inclusion of Koli as Scheduled Tribe in the State of Hyderabad. This was never given effect to by any specific Presidential order or Legislation.

The five districts, now eight, of Marathawada were earlier forming part of erstwhile State of Hyderabad. When then Backward Classes Commission submitted its report, one of its recommendations, for the State of Hyderabad, was to include Koli, as a Scheduled Tribe. In so far as State of Hyderabad is concerned, we have some material from the book "The Castes and Tribes of H.E.H. The Nizam's Dominions" by Syed Siraj Ul Hassan, published in the year 1920 (Bombay, The Tata Press).

In respect of Kolis, internal structure is described as under :

Mahadev Kolis derive their name from the god Mahadeo and they have 24 exogamous septs (sects), each of which is further divided into a number of surnames or sub-sections. The Kolis observe the simple rule of exogamy that a man may not marry outside the sub-tribe or inside the sept (sect) to which he belongs. In so far as religion is concerned, it is set out that their patron deity is Mahadeo, their household worship, in which priests take no part, is addressed to Bhairoba (Sonari, Ahmednagar), Devi of Tuljapur (Nizam's territory) and Khandoba of Jejuri (Pune). The dead are buried in a lying posture, with the face upwards and the head pointing to the north.

In the Encyclopedic Profile of Indian Tribes, by Sachchidananda and R. R. Prasad, in an article written by Navinchandra Jain and Robin D.

Tribhuwan it is mentioned that the Mahadeo Kolis are one of the major tribes of western Maharashtra. It is predominantly found in five districts namely Nashik, Pune, Ahmednagar, Thane and Raigad.

The major deities of Mahadeo Kolis are goddess Bhavani, and gods Kaloba and Bhairoba, respectively. The Mahadeo Kolis bury their dead and head points towards the south. Irrespective of the changes which are taking place in their life style, the Mahadeo Kolis still hold superstitious beliefs about life, death, etc. The traditional village panchayat of the Mahadeo Kolis is known as "Gaon Baithak".

In the Census of India, 1941, Vol.XXI HEH Nizam's Dominion, published in 1945, there is Appendix I which is an essay by Christoph Von Furer Haimendrof Ph.D. on "Tribal Populations of Hyderabad Yesterday and Today", which states that Kolis in Hyderabad State are known and recognised as Scheduled Tribe and the "Kolis" in erstwhile Hyderabad State on reorganisation of State, will continue as Scheduled Tribe. This factually seems not to be correct.

11. The conclusions that must follow from the discussion are as under :-

(a) The Committee, considering the claim of a candidate, is the only fact finding Committee. Therefore, great care must be taken in absence of any appeal, to consider and appreciate all the evidence, documentary or by way of affidavit or oral which has been produced.

(b) As a fact finding Committee and, a quasi judicial authority, deciding the status of the party and from which order no appeal lies, it must record reasons for rejecting the evidence produced, documentary or oral. The need for recording reasons is because a High Court examining the order in the exercise of its extra ordinary jurisdiction under Article 226 would be in a position to know whether correct tests have been applied and whether the evidence placed before the Committee has been considered.

(c) Merely because an entry as, for instance, Koli, is recorded in the School records, by itself, cannot result in rejecting the claim of a candidate. This is more so in the five districts, now eight districts, of Marathwada, which were earlier forming part of the erstwhile State of Hyderabad and who admittedly are not in the profession of fishing as traditional occupation nor is Marathwada a coastal belt. The Committee, while considering the claims of Scheduled Tribe candidates, coming from this area, will have to consider the other material placed before it and not merely proceed on the footing that, because Koli is shown in the school certificates or, some other document, all other evidence must be rejected. The Committee must consider the documentary evidence, coupled with the Vigilance Report and other

evidence of tribal traits and characteristics, to arrive at a conclusion that the petitioner belongs to the tribe, he/she claims to being. No doubt, the burden will be more on the candidate where such entry is recorded unlike in a case, no such documentary evidence is recorded. As has been held in the case of Rajesh s/o. Yadavrao Sankaple (supra), Kolis in Marathawada did not become Mahadeo Kolis by the Presidential Order of 1976. However, it would still be open to persons claiming to be belonging to Mahadeo Kolis to establish that they are not fisherman and establish by evidence their tribe characteristics as Mahadeo Kolis.

(d) In so far as documentary evidence is concerned, mere absence of the records of the parents of the candidate cannot be held against a claimant. The very fact that the tribe/caste is notified, as S.C./S.T. is based on the historical fact that the tribe/cast is backward. In these circumstances, the mere absence of documentary evidence cannot be held against a claimant. In those cases the report of the Vigilance Officer and of the Research Officer, about the tribal traits and characteristics and anthropological studies, must decide the issue based on the evidence produced.

(e) We have earlier observed that the orders are stereotyped. This needs correction at the hands of the Committee. In respect of the evidence pertaining to traits, characteristics, anthropological studies, there must be a specific proforma in respect of each tribe and, may be, even caste. A claimant should be asked questions in respect of his tribe claim and not pertaining generally to all tribes. It is possible that some traits will be common but, at the same time, there will be other traits which may be distinct to distinguish one tribe from the another. The praforma for verification of tribe claim, must include the specific traits of each tribe.

(f) In the absence of documentary evidence, the duty of the Committee will be to permit the candidate to lead evidence of tribal traits and characteristics, by answering the questionnaire prepared in respect of his tribe and also allow any evidence on affidavit to be led on which the candidate can be questioned. That material including in cases where there are documents should be made available to the Vigilance Officer who will verify the same by following the procedure laid down in judgment of the Apex Court referred to earlier to find out the authenticity or genuiness of the claim.

(g) The report of the Vigilance Officer along with any documents the Officer may collect must be given to the candidate, to enable him to give his say if the report is adverse, or if the Committee is of the prima facie opinion, that the report has to be rejected. The reply if any should be considered whilst passing order in the claim of the candidate."

11. Coming to the case at hand, perusal of the Vigilance Cell report goes to show that, the collection of honey and forest product was the traditional occupation of the Petitioner's family. The Vigilance Cell report does not indicate that, fishing was their traditional occupation. Undisputedly, the place where the Petitioner's grandfather and cousin-grandfather studied is not in coastal belt or coastal region. The Vigilance Cell report further indicates that, the "Koli Mahadev" tribe was earlier residing in hilly regions. The other reason for invalidation of the Petitioner's tribe claim is that, he failed to establish affinity towards the "Koli Mahadev" tribe. The Hon'ble Supreme of India, in **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Others; AIR 2023 SC 1657**, held that, *the affinity test is not a litmus test to decide a caste claim and is not an essential part in the process of the determination of correctness of a caste or tribe claim in every case.*

12. In view of the above discussion, which is based on the record of the Scrutiny Committee, the impugned order cannot be allowed to sustain. The Scrutiny Committee has discarded the entry in the school record of the Petitioner's cousin-grandfather, which supports the Petitioner's tribe claim, for unacceptable reasons. Under the facts and circumstances, the impugned order is liable to be quashed and set aside,

and the Scrutiny Committee is required to be directed to issue a validity certificate in favour of the Petitioner as belonging to the "Koli Mahadev" Scheduled Tribe. Hence, the following order :

ORDER

- [I] The Writ Petition is partly allowed.
- [II] The impugned order dated 13.08.2026 passed by Respondent No.3 – Scrutiny Committee is hereby quashed and set aside.
- [III] The Respondent No.3 – Scrutiny Committee is directed to issue a validity certificate to the Petitioner towards the "Koli Mahadev" Scheduled Tribe, within a period of one (01) week.
- [IV] The record be returned to the learned AGP.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]