

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4779 OF 2026**

Mr. Aditya Anantrao Koli
Age : 20 years, Occupation : Student,
Resident of Village Upari, Tal-Pandharpur,
District Solapur, Pin Code-413 310

...Petitioner

Versus

1. The Scheduled Tribe Certificate,
Scrutiny Committee, Pune, Division Pune.
Through its Joint Commissioner/Vice President,
Office at : Kapil Towers, C-Wing, 5th Floor,
Near RTO Office, Pune-411 001

2. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai -400 032.

...Respondents

...

Mr. Amit Sale a/w Mr. Sachin M. Bhavar for the Petitioner.
Mr. Vikas M. Mali, AGP for the Respondent-State.

...

**Coram : SHARMILA U. DESHMUKH &
NEERAJ P. DHOTE, JJ.**

**Reserved on : October 06, 2026.
Pronounced on : October 19, 2026.**

JUDGMENT : (PER NEERAJ P. DHOTE, J)

1. By consent of both the sides, heard finally at the admission stage.
2. Impugned in this Writ Petition is the order dated 11th March 2026 passed by the Respondent No. 1-Scrutiny Committee invalidating the

Petitioner's tribe claim towards the 'Koli Mahadev'- Scheduled Tribe.

3. The Petitioner claims to be belonging to 'Koli Mahadev'-Scheduled Tribe. The competent authority had issued the caste certificate to the Petitioner in that regard. The Petitioner is the student. He submitted the application before the Respondent No. 1-Scrutiny Committee for validation of his tribe certificate. Respondent No. 1-Scrutiny Committee referred the matter to the Vigilance Cell for inquiry. The Vigilance Cell submitted its report. The Respondent No. 1-Scrutiny Committee issued the notice to the Petitioner. The Petitioner filed his reply. By the impugned order, Respondent No. 1-Scrutiny Committee invalidated the Petitioner's tribe claim.

4. It is submitted by learned counsel for the Petitioner that, the Petitioner's tribe claim is invalidated mainly on the ground that, there was interpolation in the school record of the Petitioner's grandfather wherein the caste was mentioned as 'Koli' and 'म' was added before the word 'Koli'. The Scrutiny Committee accepted the Vigilance Cell report in respect of interpolation without any expert's opinion. The other ground for invalidation is that, the pre-Constitution era documents of the Petitioner's forefathers and blood relatives records the caste as 'Koli'. The community belonging to 'Koli' are the residents of coastal area and the Petitioner's forefathers were the resident of District Solapur, which is not the coastal area. He submitted that the Scrutiny

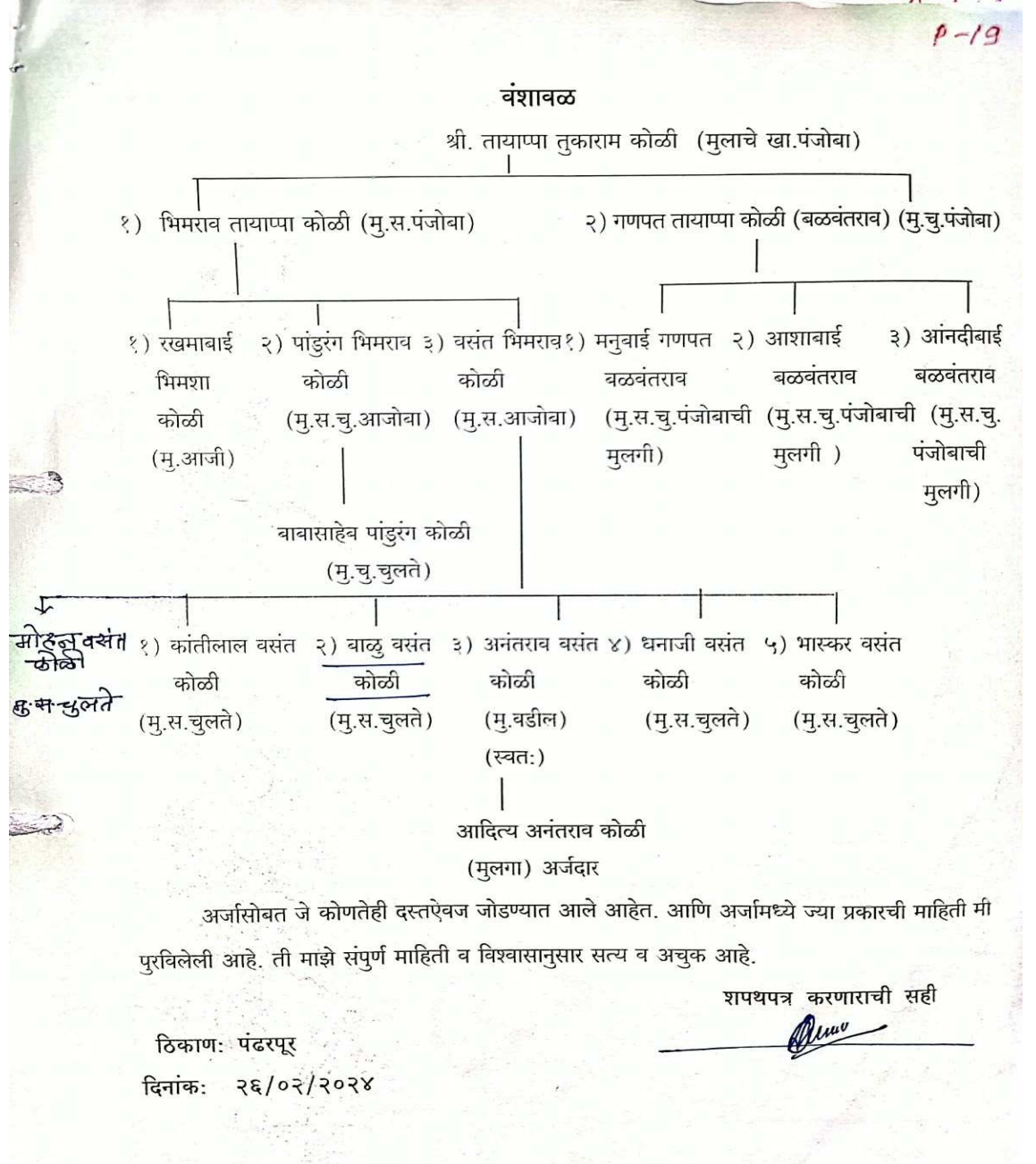
Committee did not consider the other documents on record which supports the Petitioner's claim. He submitted that, the Petition be allowed. He relied on the decisions in :

- i. Kum. Bhumika D/o Ravindra Koli vs. The State of Maharashtra and Others [in W.P. No. 717 of 2021 dated 4th December, 2025];*
- ii. Manthan S/o Vikas Adhatrao vs. The State of Maharashtra and Ors [in W.P. No. 12787 of 2025 dated 27th July 2026];*
- iii. Harshad Mukund Parchande vs. State of Maharashtra and Another [in W.P. No. 4340 of 2026 dated 4th September 2026];*
- iv. Ku. Ganesh S/o Santosh Koli vs. The State of Maharashtra and others [in W.P. No. 3991 of 2026 dated 20th August 2026].*

5. It is submitted by learned AGP appearing for the Respondents that, the first entry of caste in respect of Vasant Bhimrao Koli, who is the grandfather of the Petitioner, is 'Mahadev Koli', and the second caste entry of Vasant Bhimrao Koli is 'Koli'. He submitted that, why the subsequent caste entry of Vasant was 'Koli' and not 'Mahadev Koli'. He submitted that, the other documents of the Petitioner's blood relatives records the caste as 'Koli'. He relied on the decision in ***Tushar S/o Raju Raut and Another vs. The State of Maharashtra and Another [in W.P. No. 11876 of 2024 decided on 31st August 2026].***

6. We called the record from the Respondent No. 1-Scrutiny

Committee in respect of the Petitioner. We perused the same. The Petitioner's father, Anantrao Vasant Koli, filed his affidavit in the prescribed format giving the necessary details and the following genealogy:



7. The impugned order goes to show that, in support of his claim,

the Petitioner relied on 43 documents. One of the relevant document relied upon by the Petitioner is the entry of his grandfather, Vasant Bhimrao Koli, in the school record dated 04.05.1942, wherein the caste is mentioned as 'म. कोळी'. The impugned order shows that, during the school inquiry, the Vigilance Cell examined the general register of the Zilla Parishad school at Degaon, wherein the said entry was made. The Vigilance Cell opined that 'म' was subsequently interpolated before the word 'Koli' against the entry of Vasant Bhimrao Koli. The Respondent No. 1-Scrutiny Committee noted the said aspect from the Vigilance Cell report and discarded the said entry on the ground that it was interpolated and the said aspect cannot be ignored.

8. In ***Harshad Mukund Parchande*** (supra), which was the case in respect of invalidation of the tribe claim of the Petitioner therein towards 'Koli Mahadev', the Vigilance Cell noted that, the word 'Mahadev' was seen in light ink and the word 'Koli' was seen in dark ink. Reliance was placed on the Judgment in ***Manthan S/o Vikas Adhatrao*** (supra), which was also the matter in respect of the caste claim towards 'Mahadev Koli' wherein, there is consideration of the Judgment in ***Sayanna vs. State of Maharashtra [(2009) 10 SCC 268]***, wherein it is observed by the Hon'ble Apex Court that, interpolation or fabrication in public records cannot be inferred on mere conjecture or visual

impression as to ink, handwriting or the age and condition of the register. It is observed that, the doubts entertained by the Committee regarding old records were unsupported by expert material and rest on no legally acceptable foundation and such suspicion, by itself, was wholly insufficient to dislodge certified copies of public documents.

9. This Court in ***Harshad Mukund Parchande*** (supra) noted that, the Scrutiny Committee did not dealt with the findings of the Vigilance Cell and, therefore, the impugned order therein was quashed and set aside.

10. In ***Kum. Bhumika D/o Ravindra Koli*** (supra), which was the petition against the invalidation of the claim towards 'Tokre Koli', Scheduled Tribe, one of the ground for invalidation of the claim was interpolation in the relevant records and on the basis of observations in the said Judgment in ***Sayanna*** (supara) , this Court did not concur with the findings of the Scrutiny Committee.

11. In the case at hand, the Respondent No.1-Scrutiny Committee discarded the entry dated 04.05.1942 in the school record in respect of Vasant Bhimrao Koli on the basis of the Vigilance Cell report that, there was interpolation in the caste column by way of including 'म' before the word 'Koli'. Neither it is the case of Respondent No.1-Scrutiny Committee nor the record shows that, the said entry of Vasant Bhimrao Koli was sent for examination by the handwriting or forensic expert. In ***Tushar S/o Raju Raut*** (supra), wherein the only entry of pre-

Independence era dated 01.02.1946 in the primary school record of the grandfather of the Petitioner therein was found to be interpolated in the nature that 'म' was added between words 'Hindu' and 'Koli', observations in the said judgment goes to show that, the certificate was issued by the Headmaster of the school that word 'म' was added subsequently in different handwriting and in different ink, and so the said interpolated entry was discarded. It is not so in the case at hand. There is nothing to show that, the Headmaster of the school where the said entry dated 04.05.1942 is made, had certified the interpolation. It is thus clear that, only on the basis of the Vigilance Cell report, Respondent No.1- Scrutiny Committee held that there was interpolation in the said pre-Constitution era entry.

12. The larger color print of the said page of the register is enclosed at page No. 375 of the record. The entry of Vasant Bhimrao Koli is shown at serial No. 45 and under the caste column 'म. कोळी' is written. There are other entries as well till serial No. 56. Without the aid of expert's opinion, the observations of Respondent No.1-Scrutiny Committee in discarding the said entry is not possible. Keeping the aforesaid observations in the case of **Sayanna** (supra), it will not be possible to maintain the observation of Respondent No.1-Scrutiny Committee in respect of the said entry dated 04.05.1942, which is

admittedly of pre-Constitution era. There is no dispute in respect of the above genealogy submitted by the Petitioner's father. The said genealogy goes to show that, Vasant Bhimrao Koli was the grandfather of the Petitioner, and thus, the Petitioner is related by blood with Vasant Bhimrao Koli from the paternal side. The said entry supporting the Petitioner's claim and being of pre-Constitution era will be relevant and have more probative value.

13. The impugned order goes to show that in the Zilla Parishad school record of Upari, Taluka Pandharpur, District Solapur, the caste of Vasant Bhimrao Koli is recorded as 'Hindu Koli' in the year 1943. The impugned order further records that in several pre-Constitution era documents, the caste 'Koli' is found in the revenue record of the ancestors of the Petitioner. For this, reliance is placed by the learned counsel for the Petitioner on the judgment in ***Ku. Ganesh S/o Santosh Koli*** (supra), which was the petition against the order of the Scrutiny Committee invalidating the tribe claim of the petitioner therein towards 'Koli Mahadev', and the Petitioner therein was the resident of District Solapur. The observations of this Court in ***Prabhu s/o Narayan Survase vs. State of Maharashtra and Others, [2004 (4) ALL MR 815]***, is considered in the said Judgment, wherein the historical background of 'Koli Mahadev' tribe is considered. The relevant observations from the said Judgment are reproduced below :

"10.....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 the 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 Haimendorf 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 extraordinary 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. "

14. In the case at hand, the Petitioner is the resident of District Solapur. The impugned order shows that, the documents wherein the caste 'Koli' was mentioned were from the revenue record and school record of Pandharpur taluka. In the light of the observations from the aforesaid Judgment of **Prabhu s/o Narayan Survase** (supra) reproduced above, the said entries showing the caste of the Petitioner's father and ancestors as 'Koli' cannot form the basis to maintain the order of invalidation. The Vigilance inquiry nowhere records that fishing was the

traditional profession of the Petitioner's forefather. The Vigilance Cell records that, agriculture, agriculture labour and collecting the forest produce were the occupation of the Petitioner's ancestors. The observation made by the Respondent No.1-Scrutiny Committee that, the Petitioner could not prove the affinity towards 'Koli Mahadev'- Scheduled Tribe is unsustainable in the light of the decision of the Hon'ble Supreme Court of India in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra and Others ; [AIR 2023 SC 1657]*** wherein it is 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.

15. The impugned order shows that Respondent No.1-Scrutiny Committee had invalidated the tribe claim of the cousins of the Petitioner by name Vaishnavi Balasaheb Balwantrao and Atharva Balasaheb Balwantrao. The copy of the order dated 17th July, 2023 in Writ Petition No. 2361 of 2023 enclosed to the Petition as 'Exh. K' shows that, Atharva Balasaheb Balwantrao had challenged the order of invalidation dated 11.10.2022 invalidating his tribe claim towards 'Koli Mahadev', and this Court observing that, *the entry dated 04.05.1942, i.e. of Vasant Bhimrao Koli, being the oldest would have greater probative value, but this aspect of the matter was not considered in any manner by the Scrutiny Committee*, and this Court remanded the matter back to

Respondent No.1-Scrutiny Committee. It appears from the impugned order that, by order dated 10.04.2024, respondent No.1-Scrutiny Committee had again invalidated the tribe claim of Atharva Balasaheb Balwantrao. However, the said invalidation cannot be the reason to uphold the impugned order in the light of the above observations which are borne from the documents available on record in the Petitioner's case and the observations in the earlier Judgments.

16. In the light of the above discussion, the impugned order invalidating the petitioner's tribe claim cannot sustain. Thus, we proceed to pass the following order:

ORDER

- (i) The Petition is allowed.
- (ii) The impugned order dated 11th March 2026 passed by the Respondent No.1-Scrutiny Committee invalidating the Petitioner's tribe claim towards Koli Mahadev'-Scheduled Tribe is quashed and set aside.
- (iii) Respondent No.1-Scrutiny Committee shall issue the tribe certificate to the Petitioner as belonging to 'Koli Mahadev'-Scheduled Tribe within a period of two (2) weeks.
- (iv) The original record be returned to the learned AGP to be returned to the Respondent No.1-Scrutiny Committee.

[NEERAJ P. DHOTE, J.]

[SHARMILA U. DESHMUKH, J.]