

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

WRIT PETITION NO. 4340 OF 2026

Harshad Mukund Parchande,
Age: 22 Years, Occu.: Student
R/At- Natepute, Taluka: Malshiras,
District : Solapur, 413109.

...Petitioner.

Versus

1. The State of Maharashtra
Through Secretary,
Cultural & Social Welfare Department,
Mantralaya, Mumbai- 400 032.
2. Schedule Tribe Certificate Verification
Committee, Pune
Through its Deputy Director and
Member Secretary, Pune Division,
Pune-411 001.

...Respondents.

*Mr. Satish S. Raut with Mr. Shubham Gangan, Mr. Ashitosh Jambilkar, Adv.
Prajakt Kamble & Mr. Omkar Koratkar, for the Petitioners.
Mr. R. P. Kadam, 'B' Panel Counsel, for the Respondents-State.*

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

Date : September 04, 2026.

JUDGMENT : (Per Neeraj P. Dhote, J.)

1. Heard the learned counsel for the Petitioner and the learned AGP
for the Respondents finally at the admission stage.
2. Impugned in the writ petition is the order dated 28th August 2026
passed by the Respondent No.2-Scrutiny Committee, invalidating the
tribe claim of the Petitioner towards 'Koli Mahadev'.

3. The petitioner is the student. For the purpose of further education, he required the caste validity certificate. The Petitioner is having the caste certificate issued by the Competent Authority as belonging to the 'Koli Mahadev'. The petitioner applied to the Respondent No. 2-Scrutiny Committee for validating his caste certificate. The Petitioner submitted certain documents in support of his tribe claim. The Respondent No. 2-Scrutiny Committee referred the claim to the Vigilance Cell for inquiry. The Vigilance Cell submitted its report. The copy of the Vigilance Cell report was given to the Petitioner. After hearing the Petitioner and considering the documents on record, the Respondent No. 2-Scrutiny Committee passed the impugned order.

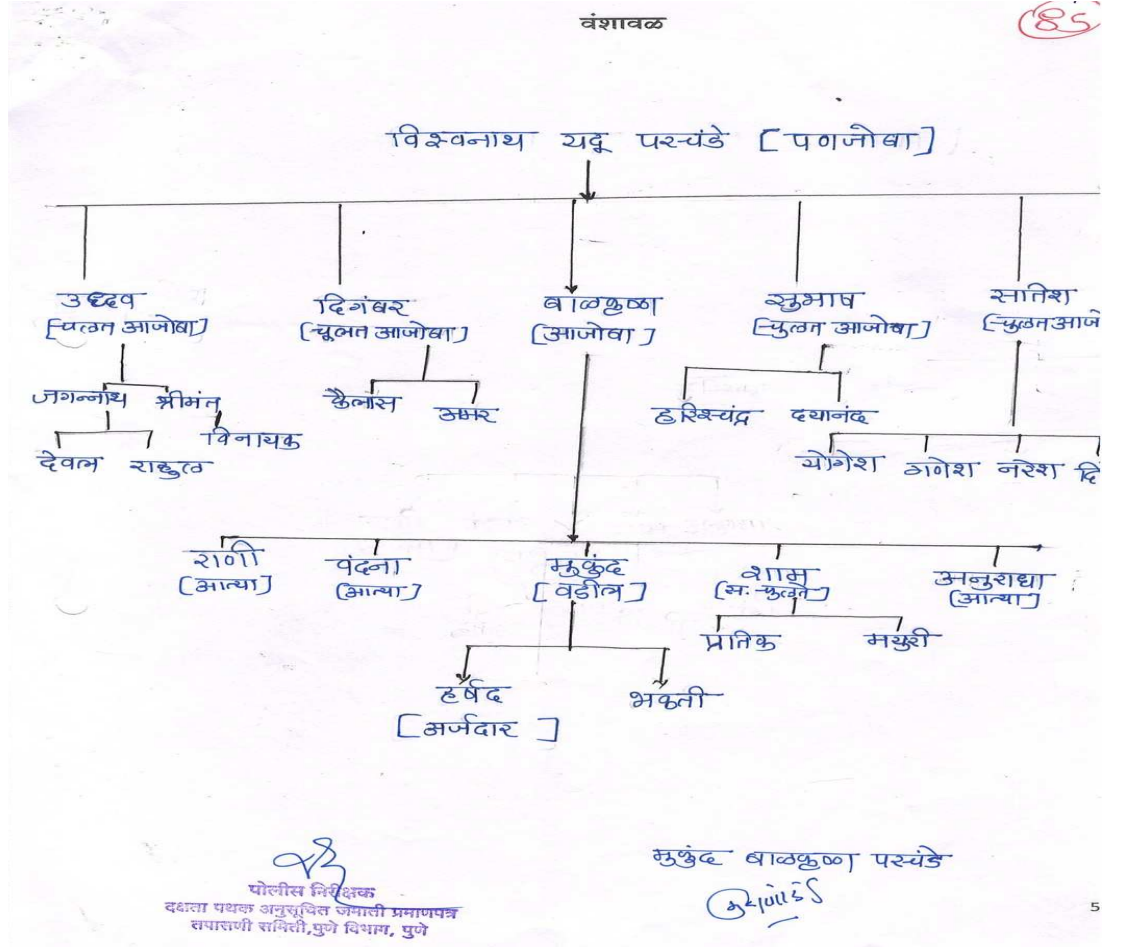
4. It is submitted by learned Counsel for the Petitioner that, the Respondent No. 2-Scrutiny Committee recorded the finding that the pre-Constitution era document shows that, word 'Mahadev' was written in the light ink and the word 'Koli' was written in the dark ink, and the said entry was rewritten. The said observation of Respondent No. 2-Scrutiny Committee was not based on any expert's opinion and therefore, cannot be the reason to invalidate the tribe claim of the Petitioner. The said observation without the report of the expert was contrary to the decision of this Court in ***Manthan Vikas Adhatrao v. the State of Maharashtra***.¹ The Respondent No.2-Scrutiny Committee made

¹ Writ Petition No.12787 of 2025 dtd. 27th July 2026.

contrary observations in the impugned order. The Vigilance Cell inquiry report states that, the school record of Subhash Vishwanath Parchande and Satish Vishwanath Parchande was not found. However, the record of the said persons was very much available with the concerned Municipal school. The impugned order, being contrary to the documents on record, needs to be interfered with and as the pre-Constitution era document of the blood relative of the Petitioner shows the caste as 'Mahadev Koli', the Petitioner was entitled for validity certificate towards his claim. It is submitted that, the petition be allowed.

5. It is submitted by the learned AGP that, since the Respondent No.2-Committee found that the word 'Koli' was written in the dark ink and the word 'Mahadev' was written in the light ink in respect of the entry of a blood relative of the Petitioner, i.e., the cousin grandfather, the said entry cannot form the basis to validate the Petitioner's claim. The Vigilance Cell report found that the old entries in respect of blood relatives of the Petitioner were rewritten and, therefore, rightly not relied by the Respondent No.2-Scrutiny Committee. As the impugned order is passed on the basis of the documents on record, no fault can be found with the same and the petition is liable to be dismissed.

6. The genealogy submitted by the Petitioner's father to the Vigilance Committee is as under:



7. There is no dispute in respect of the above genealogy. In support of his claim, the Petitioner submitted several documents of his blood relatives. The oldest document relied upon by the Petitioner is the birth entry dated 3rd August 1934 of Uddhav Vishwanath Yadu Parchande, who is the cousin grandfather of the Petitioner. The said entry is from the record of the Pandharpur Nagar Parishad. The impugned order shows that the Vigilance Cell conducted the inquiry in respect of the documents submitted by the Petitioner and noted that the said entry of

1934 was rewritten. The Vigilance Officer in his report has stated that in the said entry, the word "Mahadev" was seen in the light ink and the word "Koli" was seen in dark ink. The remarks of the Vigilance Cell are reproduced in the impugned order. However, the impugned order nowhere shows the consideration of the said entry by the Respondent No. 2-Scrutiny Committee. There is nothing to show that the said entry dated 3rd August 1934 was sent for the opinion of the expert, so as to support the findings of the Vigilance Cell as noted above. In ***Manthan Vikas Adhatrao (supra)***, which was the writ petition against the invalidation of the tribe claim, it is observed that:

"In Sayanna v. State of Maharashtra,² the Hon'ble Supreme Court held 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. In the present case, the doubts entertained by the Committee regarding old records are unsupported by expert material and rest on no legally acceptable foundation. Such suspicion, by itself, was wholly insufficient to dislodge certified copies of public documents."

8. It was expected from the Respondent No.2-Scrutiny Committee to deal with the said document, which was of a pre-Constitution era. There is no finding by the Respondent No.2-Scrutiny Committee on the said document. The copy of the extract of the said entry is in the file of the Respondent No. 2-Scrutiny Committee. On close scrutiny of the said entry, the finding of the Vigilance Cell that the said entry was rewritten

² 2010 (1) ALL MR 957 (SC).

is liable to be rejected as nothing of that sort is seen. In absence of any expert's opinion, the remarks of the Scrutiny Committee that the word "Mahadev" is written in light ink and the word "Koli" is written in dark ink will be insufficient to support the impugned order. The said entry is from the birth register of Pandharpur Municipality. The copy of the extract of the said register clearly shows that the entries are written in serial numbers. The caste of Uddhav Vishwanath Yadu Parchande, whose name is shown in the genealogy, is clearly mentioned as 'Mahadev Koli' and the date of birth is mentioned as 3rd August 1934. The said entry of pre-Constitution era has more probative value. The Respondent No. 2-Scrutiny Committee failed to consider the said entry having more probative value. For the aforesaid reasons, the said entry supports the Petitioner's claim towards the 'Koli Mahadev' scheduled tribe and there is no reason to discard the said entry.

9. The impugned order shows that, the other documents relied upon by the Petitioner were of post-Constitution era. The impugned order shows that, the vigilance inquiry found one entry No.1053 dated 18th October 1941 in the name of Yashodabai c/o Vishwanath Yadu Parchande Koli, from the register of the Pandharpur Nagar Parishad, wherein the caste is mentioned as 'Koli' and according to the Vigilance Cell, the relation with the Petitioner was cousin grandfather. The name 'Yashodabai' is not seen in the genealogy. According to the Petitioner,

the said 'Yashodabai' is not related to him in any manner. Thus, the said entry of 1941 will not come in the way of the Petitioner to dislodge his claim.

10. The other reasons given by the Respondent No.2-Scrutiny Committee for invalidating the Petitioner's tribe claim is that, the Petitioner failed to prove the affinity towards the 'Koli Mahadev' scheduled tribe and the ancestors of the Petitioner were the resident of Pandharpur in Solapur District, which was not the region or area, where the 'Koli Mahadev' scheduled tribe was found. Both the said reasons are unsustainable for the reason that, it is settled position in law in view of the Judgment of the Hon'ble Supreme Court of India in ***Adiwasi Thakur Jamat Swarakshan Samiti v. The State of Maharashtra & Ors.***,³ wherein it is observed that affinity test is not the litmus test. Due to removal of area restrictions by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, which came into force vide Government Notification dated 8th September 1976, the said reason that the people from the 'Koli Mahadev' tribe were not the ordinary resident of District Solapur, falls down.

11. We would have considered to remand back the matter to the Scrutiny Committee. However, with the clear document of pre-Constitution era of cousin grandfather of the Petitioner showing the

³ AIR 2023 SC 1657.

caste as Koli Mahadev and as the Petitioner is required to submit the Caste Validity Certificate for his educational purpose today, we allow the petition and proceed to pass the following order:

ORDER

- (i) The impugned order dated 28th August 2026 passed by Respondent No. 2-Scrutiny Committee is quashed and set aside.
- (ii) The Respondent No. 2 Scrutiny Committee is directed to issue the Validity Certificate to the Petitioner as belonging to the 'Koli Mahadev' scheduled tribe by 7th September 2026 before 2:00 p.m.
- (iii) The record be handed over to the learned AGP for returning it to Respondent No. 2-Scrutiny Committee.
- (iv) The Writ Petition is accordingly disposed of.

[Neeraj P. Dhote, J.]

[Sharmila U. Deshmukh, J.]

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