

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7378 OF 2012**

Mr. Akash Shivaji Ghate and anr.Petitioners

versus

The State of Maharashtra through its
Secretary, Tribal Development Department,
Mantralaya and 2 ors.

.....Respondents

Mr. R. K. Mendadkar along with Mr. T. V. Jadhav, advocates for the
petitioners.

Mrs. M. P. Thakur, AGP for the State.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 1st MARCH, 2018.

P. C. :

Heard Mr. Mendadkar, learned counsel for the petitioners
and Mrs.Thakur, AGP for the State.

2. The petitioners, by this petition filed under Article 226 of
the Constitution of India, are challenging the order of the respondent
No.2-Caste Scrutiny Committee dated 31st January, 2012, whereby the
claim of the petitioners that they belong to Mahadev Koli -Scheduled
Tribe has been rejected.

3. Mr. Mendadkar, learned counsel for the petitioners,
heavily relied upon the caste validity certificate of the petitioners' sister
-Reshma. He submitted that Reshma's caste claim as belonging to

Mahadev Koli- Scheduled Tribe was validated by the respondent No.2 by a speaking order dated 20th April, 2005. He submitted that in the light of this certificate, the caste claim of the petitioners that they belong to Mahadev Koli – Scheduled Tribe could not have been rejected by the respondent No.2-Committee.

4. Pursuant to the earlier order dated 24th January, 2018, the learned AGP has produced original record regarding the caste validity certificate of the petitioners' sister – Reshma. We have gone through the record. The record reveals that the petitioners' sister – Reshma was issued validity certificate that she belonged to Mahadev Koli- Scheduled Tribe. The said certificate was issued on the basis of the document of the year 1922 and after calling for the vigilance report. The file contains the original document of the year 1922 which is in Urdu as well as Marathi translation thereof. The said document is between Abdul Saheb Shaikh and Dhondiba Appa Ghate. By this document, Abdul Saheb Shaikh had given the agricultural land to Dhondiba Appa Ghate for a period of one year for cultivation purpose. It is not disputed that Dhondiba Appa Ghate is paternal great grandfather of the said Reshma as well as the present petitioners. On the basis of this document, the petitioners' sister - Reshma's caste claim was validated by the respondent No.2-Caste Scrutiny Committee.

5. In the light of the above, in our considered view, the impugned order cannot be sustained and the same is quashed and set-aside and the matter is remanded back to the respondent No.2-Caste Scrutiny Committee for fresh disposal. The respondent No.2-Caste Scrutiny Committee shall take into consideration the caste validity certificate of the petitioners' sister- Reshma while deciding the petitioners' caste claim and decide the same as expeditiously as possible and preferably within a period of four months from the date of receipt of this order.

6. The writ petition stands disposed of.

[SMT.ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]