

Pradnya Bhogale

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

**WRIT PETITION NO. 10107 OF 2015**

Geeta Dattatray Konde

..Petitioner

vs.

State of Maharashtra and Ors.

..Respondents

.....

Mr. Kamlesh P. Mali for Petitioner.

Ms. Rupali Shinde, AGP for Respondent Nos.1 to 4.

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**CORAM : NITIN JAMDAR &  
M.S.KARNIK, JJ.**

**DATE : 3 MARCH 2020**

**P.C.:-**

The Petitioner has challenged the order passed by the Scheduled Tribe Certificate Scrutiny Committee, Thane dated 3 December 2011 invalidating the caste certificate issued to the Petitioner by the Sub Divisional Officer, Alibag, District Raigad on 5 October 2010 as belonging to Mahadev Koli, Scheduled Tribe.

2. The Petitioner is employed in the Sub Divisional Office, Chiplun, District Ratnagiri. The employer of the Petitioner referred the caste certificate to the Scrutiny Committee for

verification. The Petitioner appeared before the Scrutiny Committee and produced the documents such as school record of the Applicant and his father and revenue extracts and the school record of his sister. The Vigilance Cell enquiry was conducted and report was submitted to the Scrutiny Committee. The Petitioner was given an opportunity to file her say and personal hearing was given. The Petitioner submitted her say and the Petitioner was heard. Before the Vigilance Cell enquiry, the documents pertaining to Petitioner's sister, paternal relatives and uncle were produced.

3. The entries of the Pre-Constitution period 1950 in respect of Petitioner's paternal relative i.e. of Anant Laxman Konde and Ravindranath Padma Konde show the entry as Hindu Koli. Thereafter, the entry Hindu Koli appears in respect of two uncles of the Petitioner of the year 1957 and 1959. Petitioner's reliance in respect of the record of his sister is on the entries ranging from period of 1970 to 1979. The Supreme Court in the case of *Kumari Madhuri Patil vs. Addl. Commissioner, Tribal Development and others*<sup>1</sup> has laid down that the entries of Pre-Constitution period are of relevance. The Supreme Court in the said decision has also laid down that Koli is different community from Scheduled Tribe Mahadev Koli and if the entries of Pre-Constitution period of being Koli are found in the record of those

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1 (1994) 6 SCC 241

who are claiming to be Mahadev Koli, they would be adverse to the claim. In the present case, the old records pertaining to Petitioner's paternal relatives show the entry of Koli community. Only recent record shows Mahadev Koli.

4. The Scrutiny Committee has accordingly assessed the evidence and followed the law laid down by the Courts. The assessment of the evidence can not be considered as perverse.

5. The Writ Petition is accordingly rejected.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)