

Pradnya Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 10992 OF 2014**

Jaywant Padma Khuje ..Petitioner  
vs.  
State of Maharashtra and Ors. ..Respondents  
.....  
Mr. Kamalakar L. Koli for Petitioner.  
Mr. Karan S. Thorat, AGP for State.

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

**DATE : 4 FEBRUARY 2020**

**P.C.:-**

By this Petition, the Petitioner has challenged the order passed by the Scheduled Tribe Certificate Scrutiny Committee, Thane dated 16 October 2014 invalidating the caste certificate of the Petitioner dated 25 March 1997 as belonging to Mahadev Koli community.

2. The case of the Petitioner was referred for verification to the Scrutiny Committee. The Petitioner submitted certain documents such as, School Leaving Certificate of himself and his sister, birth and death extract of his father. A Vigilance Cell enquiry was conducted. Entries in the school admission register pertaining to Petitioner's paternal relatives were collected.

An opportunity was given to the Petitioner to respond to the Vigilance Cell report and in the proceeding before the Committee. Thereafter the impugned order was passed.

3. It is now settled that the entries in the relevant records of the pre-constitution period in respect of the claim of belonging to Scheduled Tribe, has a high probative value. In case of the Petitioner, the entries of his uncle of the dates 1 February 1936 and 1 December 1950 are 'Koli (Sonkoli)', even his brother's entries of the year 1964 are 'Hindu Sonkoli'. Thereafter, the Petitioner's entries appear as Mahadev Koli. Sonkoli is different community than the Mahadev Koli. It is not a synonym. This position is settled by the decision of the Apex Court in the case of *Kumari Madhuri Patil vs. Addl. Commissioner, Tribal Development and others*<sup>1</sup>.

4. The contention of the Petitioner is that the entries as Sonkoli were wrongly made and they are contrary to other entries made as belonging to Mahadev Koli. This contention cannot be accepted. The entries cannot be simply discarded when they pertain to the period most relevant for determining the caste claim. The Scrutiny Committee therefore rightly gave importance to these entries and did not give importance to the entries which are subsequently recorded. The Scrutiny Committee rightly gave

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<sup>1</sup> (1994) 6 SCC 241

importance and weightage to the entries of the relevant period. This assessment of evidence is as per the law laid down and is not perverse.

5. In these circumstances, there is no error in the view taken by this Scrutiny Committee.

6. Writ Petition is accordingly rejected.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)