

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

974 WRIT PETITION NO.7307 OF 2021

Hemangi Madhukar Deoraj
Age : 30 years, Occu : Student,
R/o. Plot No.108, Gut No.60,
Shiv Colony, Jalgaon,
Dist. Jalgaon

.. Petitioner

Versus

1. The State of Maharashtra
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai
 2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar,
through its Member Secretary
 3. Maharashtra University of Health
Sciences, Nasik, through its Registrar
 4. Lokmanya Tilak Medical College,
Sion Hospital, Sion, Mumbai,
through its Dean
- .. Respondents.

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Advocate for the Petitioner : Mr S.R. Barlinge
AGP for Respondent Nos.1 & 2: Mr S.G. Karlekar
Advocate for Respondent No.3 : Mr K.C. Sant

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 03-08-2021

ORAL JUDGMENT (Per: S. V. GANGAPURWALA, J.) : -

1. Rule. Rule made returnable forthwith. With the consent
of the parties, the matter is taken up for hearing.

2. The caste claim of the petitioner as Tokre Koli Scheduled Tribe is invalidated.

3. Mr Barlinge, learned Counsel for the petitioner submits that, the real uncle of the petitioner is issued with the validity certificate under the orders passed by this Court in Writ Petition No.2741 of 1991 dated 31-03-1998. On the basis of the said Judgment delivered by this Court in the case of real uncle of the petitioner, the another Division Bench of this Court granted validity to the cousin of the petitioner in Writ Petition No.356 of 2021 dated 31-01-2021.

4. The learned Counsel for the petitioner further submits that, the Scrutiny Committee also issued the validity certificate to the real sister and father of the petitioner, still the caste claim of the petitioner is invalidated.

5. Mr Karlekar, learned AGP submits that, the Committee considered the contra evidence on record and has rightly negated the claim of the petitioner. The petitioner also failed in the affinity test. There are contra entries recorded in the school record of the cousin grandfather, cousin uncle and so also the uncle of the petitioner. The

Committee has not committed any error in passing the impugned Judgment.

6. We have considered the submissions canvassed by the learned Counsel for the parties. The relationship of the petitioner with the real uncle namely Chhagan Sitaram Deoraj and cousin namely Ujwal Vilas Deoraj is not disputed. The caste claim of Chhagan Sitaram Deoraj was invalidated by the Committee. He filed Writ Petition bearing No.2741 of 1991. This Court under Judgment and order dated 31-03-1998 allowed the said writ petition and directed the Committee to issue validity certificate to Chhagan Sitaram Deoraj of Tokre Koli Scheduled Tribe. One cousin of the petitioner namely Ujwal Vilas Deoraj was also denied the validity certificate of Tokre Koli Scheduled Tribe by the Committee. He filed Writ Petition bearing No.356 of 2021 before this Court. This Court under order dated 13-01-2021 relying upon the Judgment delivered by the Division Bench of this Court in the case of real uncle of the petitioner namely Chhagan Sitaram Deoraj allowed the Writ Petition and directed the Committee to issue validity certificate to him. The real sister and the father of the petitioner are already issued with the validity certificate of Tokre Koli Scheduled Tribe by the Scrutiny Committee. The

judgment of this Court dated 31-03-1998 in Writ Petition No. 2741 of 1991 and order dated 13-01-2021 in Writ Petition No.356 of 2021 are not reviewed as yet. The said judgment and order until set aside, are binding on the Scrutiny Committee also.

7. Mr Karlekar, learned AGP submits that the Committee proposes to review the earlier judgment and order of this Court.

8. In view of the judgment and order delivered by this Court in the case of real uncle and the cousin of the petitioner, the present writ petition also deserves to be allowed.

9. The impugned Judgment is quashed and set aside.

10. The Committee shall issue validity certificate to the petitioner of 'Tokre Koli' Scheduled Tribe.

11. In case the Judgment of this Court in Writ Petition No.2741 of 1991 dated 31-03-1998 and order in Writ Petition No.356 of 2021 dated 13-01-2021 are reviewed and / or the claims of the petitioners in the aforesaid writ petitions are invalidated after reopening of the proceedings, then the Committee may take

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appropriate steps as against the petitioners.

12. Rule made accordingly absolute in above terms. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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