

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

997 WRIT PETITION NO.8656 OF 2021

MAHENDRA PRAKASHCHANDRA SAPKALE AND ANOTHER
VERSUS
THE SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE
NANDURBAR AND ANOTHER

...
Advocate for Petitioners : Mr. M.S. Deshmukh h/f. Mr. B.S. Deshmukh
AGP for Respondents 1 & 2 : Mr. S.K. Tambe
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 23/11/2021.

PER COURT :

. The caste claim of the petitioner as belonging to ‘Tokare Koli’ Scheduled Tribe is invalidated.

2. Mr. M.S. Deshmukh, learned advocate for the petitioners submits that the petitioners have relied upon the validity issued to paternal uncle of the petitioners Devidas. The Committee has discarded the same on the ground that Devidas obtained validity on the basis of validity issued to one Devram. According to the Committee, Devidas is not related to Devram as they belonged to different villages. The learned counsel submits that the petitioners have placed on record documents suggesting the relationship of

Devidas with Devram and also that in the same village agricultural lands of both also exist. The petitioners did not get an opportunity to place on record these things before the Committee. It is only in the judgment the petitioners could get the knowledge on the basis of which the Committee has invalidated the claim. The learned counsel submits that the contra entries relied by the petitioners are also subject matter of contentions.

3. The learned AGP submits that there are pre-constitutional documents showing the entry of 'Koli' and not as 'Tokare Koli'. Relationship of the Devidas with Devram is not established. The Committee has considered all the aspects.

4. The petitioners have placed on record certain documents to suggest that the relationship from the paternal side exists of the validity holder Devidas and Devram. Considering that the matter involves social status of the petitioner, we are inclined to grant one more opportunity to the petitioners.

5. In view of that, the impugned order is quashed and set aside. The parties are relegated before the Committee. The petitioner

shall appear before the Committee on 9th December, 2021 and file additional documents on which the petitioners place reliance.

6. The Committee shall consider the said documents and decide the matter afresh preferably within four weeks from the date of appearance. The writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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