

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

**WRIT PETITION NO.11356 OF 2021
WITH WP/11382/2021 WITH WP/11391/2021 WITH WP/11397/2021
WITH WP/11402/2021 WITH WP/11394/2021 WITH WP/11393/2021
WITH WP/11398/2021 WITH WP/11408/2021 WITH WP/11367/2021
WITH WP/11376/2021**

**PRAVIN LAXMAN SOLANKE (KOLI)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Pratap V. Jadhavar
AGP for Respondents: Ms. M.A. Deshpande
...

**CORAM : MANGESH S. PATIL AND
Y. G. KHOBRAGADE, JJ.**

DATE : 14.12.2022

PER COURT :

Heard.

2. The petitioner/s in all these petitions are aggrieved by the order passed by the authority refusing to issue a tribe certificate which decisions were challenged in appeal before the committee. Since the appeals have been dismissed they are before this Court.

3. The learned advocate Mr. Jadhavar vehemently submits that in spite of a long standing law laid down by this Court that no threadbare scrutiny is to be undertaken at the stage of issuance of caste certificate since its validity would ultimately depend upon the decision of the scrutiny committee, neither the authority or the committee has considered this aspect. Even though the petitioners were present before the scrutiny

committee, it has erroneously observed that they were not present and even did not respond to the notice of hearing.

4. Learned AGP submits that the application itself was not preferred in tune with Rule 3 of the Maharashtra Scheduled Tribes (Regulations of Issuance and Verification of) Certificate Rule, 2003. Even there is no material to demonstrate that the validity being relied upon by the petitioner was of a person related to them. Precisely for this reason not only the authority but even the scrutiny committee has discarded that piece of evidence. She also submits that the petitioners' father's record demonstrated that he was 'Suryawanshi Koli' which was unassailable circumstance which had compelled the authority and the scrutiny committee to dismissed the petitioners' claim.

5. It does appear that the petitioner though had approached this Court seeking direction to the scrutiny committee to decide the appeals expeditiously, the impugned orders of the committee demonstrate that they had not responded in spite of service of notice or had refused to accept it. It is therefore *ex facie* clear that the appeals were decided without extending any opportunity of being heard.

6. As has been laid down in several matters including the one in **Shankar Prabhu Balke Vs. The State of Maharashtra and Ors.; (WP No.10969/2010)** that no strict proof is expected to be led at the stage of issuance of caste certificate. Neither the authority which refused to grant the certificate and not even the scrutiny committee seem to have borne in

mind these principles reiterated by this Court time and again in the matter of **Anand Vs. Caste Scrutiny Committee; (2012) 1 SCC 113** and **Raju Shamrao Mankar Vs. State of Maharashtra and Ors;(WP No.3370/2018 dated 08.06.2021)** .

7. We allow the writ petition partly and call upon the respondent scrutiny committee to decide the appeals afresh on their own merits and in the light of the observations made herein above by extending an opportunity to the petitioner/s of being heard. The petitioner/s shall appear before the committee on 06.01.2023. After such appearance, the committee shall decide the appeals as early as possible and in any event within 12 weeks there from.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)