

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

WRIT PETITION NO. 4904 OF 2021

1. Dhanraj s/o Sidram Koli,
Age : 23 years, Occu. : Student,
R/o Plot No. 18, Pratap Nagar,
Shahnurwadi, Aurangabad,
Dist. Aurangabad.
2. Om S/o Sidram Koli,
Age : 18 years, Occu : Student,
r/o : as above. .. Petitioners

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai-400 032.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Division,
Aurangabad, through its Member
Secretary.
3. The Sub Divisional Officer,
Aurangabad Division,
Aurangabad. .. Respondents

Shri K. P. Rodge, Advocate i/by Shri P. G. Rodge, Advocate for
the Petitioners.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 3.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 26 JULY 2023.

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard learned counsel for the respective sides and taken up for final disposal with their consent at the admission stage.

2. The petitioners are sons of one Sidram Koli. Their caste claims as belonging to 'Koli Mahadev' (Scheduled Tribe) are invalidated by the Scrutiny Committee by common judgment and order dated 24.11.2020. Being aggrieved they have filed present writ petition.

3. The petitioners are relying upon validity certificates issued in favour of their father Sidram and real sister Asmita. The validity certificates are placed on record along with genealogy. Besides that vigilance report in case of their father and old entries are also placed on record. It is submission of the learned counsel for the petitioners that the impugned judgment and order is arbitrary and discriminatory.

4. The learned Additional Government Pleader supports the impugned judgment and order. According to him the Scrutiny Committee rightly appreciated the contrary entries, vigilance report and the place of residence of the petitioners and their forefathers to invalidate the caste claims. A possible view is taken by the Committee. The material on record would suggest that the caste has been recorded as Koli which is non tribal. He would further submit that the validity certificates of the blood relatives of the

petitioners are untrustworthy being obtained by suppressing material facts. Those validity certificates will be subject to the reverification by the Scrutiny Committee.

5. We have noticed that the genealogy which is at page No. 39 and 88 is not in dispute. Father of the petitioners Sidram and real sister Asmita have been issued with the validity certificates. The vigilance report in case of father which is at page No. 21 referring to old entry of 1944 of grandfather of the petitioners. We are of the considered view that the certificates of validity holders are worth relying. The petitioners are also entitled to the benefits of the caste status.

6. Unless and until validity certificates of the father and real sister of the petitioners are revoked, there is no point in restraining the petitioners from getting benefits of the social status. The scrutiny committee has observed that a decision is being taken to reopen the matters of the validity holders of the blood relatives of the petitioners. Under these circumstances, the Scrutiny Committee can reexamine the objections.

7. In our considered view the impugned judgment and order is arbitrary and discriminatory. The writ petition deserves to be allowed. In view of the above, we pass following order.

ORDER

A. The writ petition is partly allowed.

B. The impugned judgment and order dated 24.11.2020 passed by the respondent No. 2/Scrutiny Committee is quashed and set aside.

B. The respondent No. 2/Scrutiny Committee shall issue tribe validity certificate to the petitioners as belonging to 'Koli Mahadev' (Scheduled Tribe) within a period of two (02) weeks from today on following conditions :

(i) The validity certificates shall be subject to the outcome of the revocation proposed by the committee of the validity holders.

(ii) The petitioners shall not claim equity and shall co-operate with the enquiry of reverification.

C. The writ petition is disposed of. There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

bsb/July 23