

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

**WRIT PETITION NO. 6172 OF 2021**

1. SIDHESHWAR DNYANESHWAR SURADKAR
2. AKSHAY DNYANESHWAR SURADKAR
3. ARATI DNYANESHWAR SURADKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. P.V. Jadhavar

A.G.P. for Respondent Nos. 1 & 2 : Mr. A.A. Jagatkar

Advocate for Respondent Nos. 3 & 4 : Mr. B.A. Shinde

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

**DATED : 18 July, 2023**

**PER COURT ( PER : SHAILESH P. BRAHME, J ) :**

1. Being aggrieved by common judgment and order dated 16 February 2021, passed by the Scrutiny Committee invalidating the claim of the petitioners for 'Koli Malhar' scheduled tribe, the petitioners are approaching this Hon'ble Court.

2. The petitioners rely upon the validity certificate issued to Dnyaneshwar who is their father. The petitioners further rely upon the vigilance report in case of Dnyaneshwar, genealogy, extract of the School record, service record of the relative, etc. The old record which

was already verified during the scrutiny of Dnyaneshwar disclosed caste as 'Koli Malhar' having probative value. He, therefore, submits that the Scrutiny Committee committed patent illegality in rejecting the caste claim.

3. Per contra, learned AGP supports impugned judgment and order. He would submit that the genealogy produced in the matter of Dnyaneshwar does not tally. There was manipulation of record in cases of Namdeo and Dnyaneshwar, which is incompatible with the claims of the petitioners. According to him, the Scrutiny Committee has arrived at a plausible and logical conclusion which needs no interference.

4. We find that there is old record which was already verified during the Scrutiny of the Dnyaneshwar. The record disclosed caste as 'Koli Mahadev' in case of Rameshwar, Kaushalya, Namdev and Devidas. The record has a probative value. The same was considered while granting validity to Dnyaneshwar.

5. We further find that Dnyaneshwar was issued with the validity certificate after following due procedure of law. Entire

material was gone into in his case. There was a vigilance report. A reasoned order was passed issuing validity certificate. We are of the considered view that validity certificate of Dnyaneshwar is reliable. The petitioners are eligible for the caste validity in view of the judgment of the Supreme Court in the case [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others, 2023 SCC Online SC 326.](#)

6. The submissions of learned AGP regarding disparity in the genealogy of the petitioners and Dnyaneshwar, inconsistency of the record can be gone into by the Scrutiny Committee during re-verification. The Scrutiny Committee has already taken decision to re-open the validity certificates. A show cause notice is also issued.

7. For the reasons stated above, we hold that impugned judgment and order dated 16 February 2021, is unsustainable and liable to be quashed. We dispose of this petition in following manner :

- i. The impugned judgment and order dated 16 February 2021, passed by the Scrutiny Committee be quashed and set aside.

ii. The Scrutiny Committee shall issue caste validity certificates to the petitioners on following conditions :

a. That the validity certificates shall be subject to the outcome of re-verification of validity certificates undertaken by the Scrutiny Committee .

b. That the petitioners shall not claim any equities.

8. The Writ Petition is allowed in above terms.

**( SHAILESH P. BRAHME, J. )**

**( MANGESH S. PATIL, J. )**

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