

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

WRIT PETITION NO. 8651 OF 2022

1. HRISHIKESH RAJENDRA TAVAR
2. KUM. RUTUJA RAJENDRA TAVAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. R.K. Mendadkar
h/f. Mr. S.S. Phatale
AGP for Respondent Nos. 1 to 3: Mr. S.G. Sangale
Advocate for Respondent No. 4 : Mr. U.S. Malte

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

DATE : 07 SEPTEMBER 2023

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

1. Heard both sides finally.
2. The petitioners are challenging the common judgment and order dated 06.09.2018, passed by the Scrutiny Committee, invalidating the tribe certificates issued to the petitioners for 'Koli Dhor' scheduled tribe and confiscating the same. The petitioners are the siblings of Rajendra Prabhakar Tavar. They are relying upon validity certificates of Nikhil, Aditi, Sheetalkumar, Savita. The validity certificates of Nikhil and Aditi are issued in pursuance of the judgment and order passed by our bench on 08.08.2023 in Writ Petition No. 810 of 2023. A copy of the order dated 08.08.2023 is placed on record.
3. The learned AGP supports impugned judgment and order. According to him, the Scrutiny Committee rightly rejected the caste

claim of the petitioners considering the old entries and contrary school record. The vigilance enquiry would disclose caste as Koli which is non-tribe. According to him, the validity certificates issued to the close relatives of the petitioners are not reliable.

4. Learned counsel for the petitioner has invited our attention to the order dated 08.10.2023 passed in the matter of Aditi Shitalkumar Tawar and another Versus Scheduled Tribe Certificate Scrutiny Committee, Dhule and others, in Writ Petition No. 810 of 2023. Aditi and Nikhil are figuring in the genealogy which is at page no. 47. They are paternal side relatives of the petitioners. Their tribe certificates were invalidated. Being aggrieved, they had filed Writ Petition in the High Court which was allowed. It is recorded that the pre-constitutional record was found to support the claim of the petitioners. We have also noticed that there is old record of Prabhakar Madhav Koli of 1952, Tanaji Suraji of 1935. The self same record was earlier considered by the Scrutiny Committee while issuing validity certificates. Independently, High Court also confirmed the caste status of the close relatives of the petitioners. Under these circumstances, we also propose to adopt the same course.

5. It is not a case that the Scrutiny Committee has any intention to re-open the matters of validity holders related to the petitioners. In the matter of Aditi and another in Writ Petition No. 810 of

2023, we have disposed of petition by directing to issue validity certificate without incorporating any condition. We find that impugned judgment and order is unsustainable. Therefore, we pass following order :

ORDER

- i. The Writ Petition is allowed.
- ii. The impugned judgment and order dated 06.09.2018, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Scrutiny Committee shall immediately issue tribe validity certificates to the petitioners as belonging to 'Koli Dhor' scheduled tribe.
- iv. The certificates of validity shall be issued in the prescribed format without incorporating other conditions/additions.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]