

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

WRIT PETITION NO. 7650 OF 2020

1. Kavita Rajendra Jadhav
Age: 25 years, Occu: Student,
R/o: Kada, Tq. Ashti,
Dist. Beed.

2. Ankita Rajendra Jadhav
Age: 21 years, Occu: Student
R/o: Kada, Tq. Ashti,
Dist. Beed.

3. Rajendra Bapu Jadhav
Age: 51 years, Occu: Service
R/o: Kada, Tq. Ashti,
Dist. Beed.

... Petitioners

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department
Mantralaya, Mumbai - 32

2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad Division,
Aurangabad

3. The Dean,
Government Ayurvedic College,
Osmanabad, Tq. & Dist. Osmanabad

4. The Registrar
Maharashtra Health University,
Dindori Road, Nashik
Tq. & Dist. Nashik

5. The Collector,
Beed, Tq. & Dist. Beed

6. The Sub Divisional Officer
Patoda, Tq. Patoda,
Dist. Beed

... Respondents

...

Mr. Pratap V. Jadhavar, Advocate for the Petitioners

Mr. S. G. Sangle, AGP for the Respondents/State

Mr. S. S. Gangakhedkar, Advocate for Respondent No.4

...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 06.11.2023

ORDER : [PER NEERAJ P. DHOTE, J.]

. Heard both the sides.

2. Rule. Rule is made returnable forthwith. Learned AGP waives notice on behalf of the Respondents/State. At the joint request of the parties, heard the matter finally at the admission stage. Perused the papers.
3. The Petitioners have challenged the order dated 20/10/2020 passed by the Respondent No.2 - Scrutiny Committee invalidating their claims of 'Mahadev Koli' Scheduled Tribe. The Petitioner Nos.1 and 2 are the sisters and the Petitioner No.3 is their father. Their claims were referred to the Scrutiny Committee for validation. The vigilance inquiry was done. The Petitioners were supplied with the copy of vigilance report and after giving an opportunity of hearing, the Scrutiny Committee invalidated their tribe claims.
4. Mr. Jadhavar, learned Advocate for the Petitioners submits that though there are number of validities in the blood relation of the

Petitioners, the Scrutiny Committee overlooked / ignored the same and considered the entries such as 'Koli' and 'Hindu Koli' in the school records of the blood relatives of the Petitioners. He further submitted that the issue of affinity and area restrictions can be no ground to invalidate their claims. He submits that the Writ Petition be allowed.

5. Learned AGP submitted that contra entries, which were found in the Petitioners' vigilance cell report, were not before the Scrutiny Committee and thus the tribe claim of Sandhya Kalyan Jadhav, who is one of the blood relative of the Petitioners, was validated. He submitted that in some documents of the relatives of the Petitioners, the word 'Mahadev' came to be subsequently re-written / added as 'Koli Mahadev'. He submitted that the documents and the material available before the Caste Scrutiny Committee did not establish the Petitioner's tribe claim of 'Mahadev Koli' and the Scrutiny Committee has rightly passed the impugned order.
6. Accepting the contention of the learned AGP as it is, the undisputed aspect in the matter is that the blood relatives of the Petitioners are given the validity certificates of 'Mahadev Koli' Scheduled Tribe by following due process of law. There is no dispute in respect of genealogy. Under such circumstances and considering the principles laid down by the Hon'ble Apex Court in the matters of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra Ors.** reported in **2023 SCC Online SC 326**, **Palghat Jilla Thandan Samudhaya Samrakshna Samithi and Another Vs. State of Kerala and Anr.** reported in **(1994) 1 SCC**

359 and Jaywant Dilip Pawar Vs. State of Maharashtra and Ors. reported in **2018 (5) All MR 975**, the impugned order is unsustainable in eye of law and needs to be quashed and set aside with the directions to the Scrutiny Committee to issue the tribe validity certificates to the Petitioners as belonging to 'Koli Mahadev' Scheduled Tribe subject to the final outcome of the matters which the Committee has decided to re-open. Hence, we proceed to pass the following order:

ORDER

1. The writ petition is partly allowed. The impugned order is quashed and set aside. The respondent – committee shall immediately issue tribe validity certificate to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed format without adding anything. The validity shall be subject to the final outcome of the matters which the committee has decided to re-open.
 2. Learned AGP to communicate this order immediately to the concerned Committee.
 3. The petitioners shall not be entitled to claim equities.
7. Rule is made absolute in the above terms.

[NEERAJ P. DHOTE, J.]

[MANGESH S. PATIL, J.]