

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

WRIT PETITION NO. 9129 OF 2020
WITH
CIVIL APPLICATION NO. 2896 OF 2021

ABOLI D/O. DNYANBA RAINULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.M. Vibhute
h/f. Mr. K.M. Nagarkar
AGP for Respondent Nos. 1 & 2 : Mr. A.A. Jagatkar

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

DATE : 04 SEPTEMBER 2023

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

1. Heard both the sides finally at the admission stage.
2. The petitioner is taking exception to the judgment and order dated 20.11.2020, passed by the Scrutiny Committee invalidating tribe claim of the petitioner for being 'Koli Mahadev' scheduled tribe. She is relying upon the validity certificate of her cousin grandfather Vasant which is evident from the genealogy produced on record.
3. Learned AGP supports impugned judgment and order. According to him, the school record of the relatives of the petitioner would indicate caste as 'Koli' or 'Hindu' which incompatible. The Scrutiny Committee has rightly rejected the caste claim considering the

record of Vasant and Bhausahab. He would further submit that the validity certificate is not reliable. He would urge to dismiss the petition.

4. Learned AGP has placed on record the original papers of validity holder Vasant. It is submitted that the genealogy in the present matter does not tally with the genealogy given by validity holder in his matter. It is further informed that the Scrutiny Committee has proposed re-verification of validity certificate of Vasant Laxman Rainule.

5. With the assistance of learned AGP, we have gone through original papers. We find that there was vigilance enquiry in the matter of Vasant. The report was submitted. It reveals from the report that relevant record was considered before issuing him validity certificate. We find that old record of 1954 of Baburao, 1957 of Madhukar, 1975 of Ramesh indicating caste as 'Koli Mahadev' was considered besides other documentary evidence. It was followed by reasoned order issuing validity certificate. We find that validity certificate of Vasant is reliable one and it should enure to the benefit of petitioner.

6. Learned AGP submits that the validity certificate of Vasant was based upon the validity certificates of Sanjeev and Angad who were not paternal side relatives. We have already discussed that validity certificate issued to Vasant on the basis of relevant record and not merely on the validity certificates of Sanjeev and Angad. The finding recorded by the Scrutiny committee in that regard is perverse.

7. Unless the validity certificate of Vasant is revoked, the petitioner cannot be deprived of the same social benefits. She is entitled to validity certificate conditionally.

8. We hold that the impugned judgment and order is unsustainable. We propose to pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned judgment and order dated 20.11.2020, passed by the Scrutiny Committee, is quashed and set aside.
- iii. The Committee shall immediately issue tribe validity certificate to the petitioner as belonging to 'Koli Mahadev' scheduled tribe, which shall be subject to the decision to be taken by the Committee in the matters which it intends to reopen in respect of the validity holders.
- iv. The certificate of validity shall be issued in the prescribed format without incorporating other conditions/additions.
- v. The petitioner shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]