

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO.11642 OF 2023

- 1) Sakshi Nanasaheb Koli,
Age 19 years, Occ. Student
R/o. At Kasti (bk) Tq. Lohara,
Dist. Osmanabad.
- 2) Kunal Nanasaheb Koli,
Age 22 years, Occ. Student
R/o. At Kasti (bk) Tq. Lohara,
Dist. Osmanabad.
- 3) Nanasaheb Shamrao Koli,
Age 49 years, Occ. Service,
R/o. At Kasti (bk) Tq. Lohara,
Dist. Osmanabad.

... **Petitioners.**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
(Social Justice Department)
Mantralaya, Mumbai-32.
- 2) Joint Commissioner,
Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad,
Add- beside CIDCO, Bus Stand
CIDCO, Aurangabad.

... **Respondents**

...

Advocate for Petitioners : Mr. Thorat Mohanish V.
AGP for Respondents/State : Mr. S.B. Yawalkar

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

DATE : **03.11.2023**

PER COURT :

We started hearing the arguments in order to decide the petition finally. However, it appears that some documents which were admittedly produced before the committee along with a reply dated 14.03.2023 were not considered by the committee while invalidating the petitioners' tribe claim of belonging to 'Koli Mahadev' scheduled tribe. The learned advocate

for the petitioners also tenders across the Bar some documents in the form of photo copy of the birth register of 1343 Fasli corresponding to 1933 A.D. wherein the entries are in Modi script and according to him grandfather's entry was recorded at Serial No. 10 on 09.08.1933 as 'Koli Mahadev'. He also points out that even the petitioners had subsequently moved the revenue authorities under the provisions of the Maharashtra Land Revenue Code for effecting the entries in the revenue record in respect of their land Gat No. 296 under Section 36 and 36A of the Code.

2. Since it is a matter of social status, the enquiry before the scrutiny committee is not an adversarial one. If the petitioners subsequently have traced out something which was not before the committee or which has not been considered by the committee but is relevant for the adjudication of the claims, that avenue should always be open for them. In the circumstances, in our considered view it is a matter which deserves to be remanded.

3. The writ petition is partly allowed. The impugned order is quashed and set aside. The committee shall extend opportunity to the petitioners to substantiate their claims by leading additional evidence. It would be always open for the respondent-committee to resort to the vigilance enquiry if it so thinks fit after the petitioners' produce additional evidence. The committee shall also consider the response filed by the petitioners on 14.03.2023.

4. The petitioners shall appear before the committee on 09.11.2023.

5. The petitioners shall produce whatever additional documents they intend to before the committee on that day and the committee shall thereafter decide the proposal afresh as expeditiously as possible and in any case by 31.01.2024.

(NEERAJ P. DHOTE, J.)

(MANGESH S. PATIL, J.)

mkd/-