

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

**WRIT PETITION NO. 4753 OF 2023**

Dhanshree D/o Pravin Koli,  
Age : 19 Years, Occup. Student,  
R/o At and post Chahardi, Taluka  
Chopda, and Dist. Jalgaon. .. Petitioner

**Versus**

1. The State of Maharashtra  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
2. The Scheduled Tribes Certificate  
Scrutiny Committee, Dhule  
Division, Dhule, through  
its Member Secretary.
3. State Common Entrance Test Cell  
Maharashtra State, 8<sup>th</sup> Floor,  
New Excelsior Building,  
A. K. Nayak Marg, Fort,  
Mumbai 400 001. .. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner.  
Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 and 2.  
Shri S. G. Karlekar, Advocate for the Respondent No. 3.

**WITH  
WRIT PETITION NO. 3095 OF 2022**

Pravin Dhanraj Koli,  
Age : 39 Years, Occup. Nil,  
R/o Chahardi, Tq. Chopda,  
Dist. Jalgaon. .. Petitioner

**Versus**

1. The State of Maharashtra  
Through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
2. The Scheduled Tribes Certificate  
Scrutiny Committee, Nandurbar  
through its Deputy Director (R). .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri S. B. Yawalkar, Addl.G.P. for the Respondent Nos. 1 and 2.

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

**RESERVED FOR ORDER : 27.09.2023**

**ORDER PRONOUNCED ON : 05.10.2023**

**FINAL ORDER (*Per Shailesh P. Brahme, J.*) :-**

. With the consent of the parties and their counsel heard both these matters finally at the admission stage.

2. Petitioner Dhanshree, is daughter of another petitioner Pravin. There is self same record to consider their social status. Therefore, both these petitions are being decided by this common order. For the sake of convenience we prefer to refer to the papers of Dhanshree in Writ Petition No. 4753 of 2023.

3. The petitioner Dhanshree is challenging the judgment and order dated 31.01.2023 passed by the respondent/Scrutiny Committee invalidating her tribe claim as belonging to 'Tokre Koli' (Scheduled Tribe) and confiscating the tribe certificate. The

petitioner Pravin, is challenging judgment and order dated 08.02.2021 passed by the Scrutiny Committee invalidating his tribe claim and confiscating the certificate.

4. The learned counsel for the petitioners submit that there is consistent record of Tokre Koli and the committee has committed perversity in rejecting the caste claims. The committee failed to appreciate the documentary evidence produced on record by the petitioners in correct perspective. The school record of petitioner Pravin and his brothers would support the tribe claim of Tokre Koli.

5. Per contra, the learned Additional Government Pleader would support the impugned judgments and orders. According to him there is old record of Keshav Sadashiv Koli and Yashwant Sada Raising to indicate the caste as Koli. Besides that school record of Dhanshing Keshav Koli indicates Hindu Suryawanshi Koli which is not compatible with the caste claims. According to him the scrutiny committee is justified in rejecting the caste claim considering the school record and the result of the affinity test.

6. We have considered the submissions of the learned counsel for the parties. The petitioners are not relying upon any validity certificate. To appreciate the material on record it is necessary to refer to genealogy which is at page No. 73. The relationship of the petitioners with the persons figuring in the genealogy has not been disputed. We are specifically concerned with the record of

Keshav, Yashwant, Dhanraj, Pravin, Tulshiram and Gopal.

7. The learned counsel for the petitioners have placed reliance upon the school record of the petitioners indicating the caste as Tokre Koli. The reliance is also placed on the school record of Pravin Dhanraj Koli of 1996, Gopal Dhanraj Koli of 2001 and Tulshiram Dhanraj Koli of 1998. This record is supporting the tribe claim of the petitioners.

8. The learned Addl. G. P. has placed reliance on old record of Keshav Sadashiv Koli of 1935, Yashwant Sada Raising of 1947 and Dhansing Keshav Koli of 1962. According to him this is a contrary record and the same is older than the record which is sought to be relied upon by the petitioners. He would submit that this older record has grater probative value and would prevail over the record sought to be relied upon by the petitioners.

9. Before examining the competitive record produced by the parties, we prefer to see the vigilance report which is at page No. 64. An enquiry was conducted into the record produced by the parties by the vigilance officer. It is reported that the school record of the brothers of the petitioner Pravin indicates caste as Hindu Tokre Koli, whereas the record of the grandfather indicates caste as Koli. We have also referred to the reply filed by the petitioner which is at page No. 75. The reply is silent and does not explain the contrary entries.

10. The school record of Keshav Sadashiv Koli indicates caste as Koli and it is of 1935. Keshav is great grandfather of petitioner Dhanshree and grandfather of another petitioner Pravin. Another school record of cousin great grandfather Yashwant Sada Raising indicates caste as Hindu Koli and it is of 1947. The record of Keshav and Yashwant is of pre-independence period and it would operate against the petitioners. So far as school record of Dhansing Keshav Koli is concerned, it indicates Hindu Suryawanshi Koli and it is of 1962, older than the school record relied by the petitioners. Under these circumstances, the learned Addl. G. P. has rightly submitted that the contrary entries would prevail over the entries relied upon by the petitioners. We find that the committee has rightly rejected the tribe claims of the petitioners.

11. The old record upon which reliance is sought for by the learned Addl. G. P. has been duly verified and it has not been objected to by the petitioners. We therefore, hold that the petitioners have failed to make out a case in support of their tribe claim.

12. The scrutiny committee recorded negative finding on the affinity test. The affinity test is in a way inconsequential and in the wake of the finding which we have recorded on the basis of the school records of the relatives of the petitioners, nothing turns on the finding on the affinity test.

13. The learned Addl. G. P. has relied upon the **judgment**

dated 07.09.2022 rendered by the Division Bench of this Court in Writ Petition No. 14489 of 2021 in the matter of Kum Tejas D/o Dinesh Chavan Vs. The State of Maharashtra and others. The reliance is placed upon para No. 8 and 9 of the said judgment, which are as follows:

"8. The committee has thus rightly ignored the interpolations made in respect of school record of the Hirya Daulat Koli, Sukdev Daulat Koli and Shankar Daulat Koli and has taken into consideration the original entries of 'Koli', 'Hindu Koli' and 'Hindu' in respect of their records. The oldest entry is in respect of Hirya Daulat Koli dated 01.07.1942. On the basis of silence maintained by her in the reply, the committee came to the conclusion that preconstitutional entry of 'Koli' in the school record of Hirya Daulat Koli completely demolishes caste claim set up by the petitioner. The subsequent original entries (before interpolation) of Sukdev Daulat Koli and Shankar Daulat Koli, of 'Hindu Koli' and 'Hindu' which are made on 18.06.1954 and 13.06.1957 respectively further supports the fact that the petitioner does not belong to 'Tokre Koli' Scheduled Tribe.

9. In view of the failure of the petitioner to deal with the most vital aspect of interpolations made in respect of the school records of her relatives, we find that the Committee has rightly rejected the claim of the petitioner. In view thereof all other issues raised by Smt. Suryawanshi, learned advocate have been rendered academic and we need not burden this order by dealing with the same in detail. However, we would summarily reject the submission of Smt. Suryawanshi that 'Koli' is a generic term, which includes 'Tokre Koli' also. In this regard, reliance of Mr. Yawalkar on the Judgment of Apex Court in **Milind** (supra) is apposite. The Apex Court has held:

*1. It is not at all permissible to hold any enquiry or let in any evidence to decide or declare that any tribe or tribal community or part of or group within any tribe or tribal community is included in the gen-*

*eral name even though it is not specifically mentioned in the concerned Entry in the Constitution (Scheduled Tribes) Order, 1950.*

*2. The Scheduled Tribes Order must be read as it is. It is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order if they are not so specifically mentioned in it."*

14. We respectfully concur with the opinion expressed by the coordinate bench.

15. For the reasons stated above we find that the petitioners have failed to make out a case for interference. The writ petitions are dismissed. There shall be no order as to costs.

[ SHAILESH P. BRAHME, J.]

[ MANGESH S. PATIL, J.]

*bsb/Oct. 23*