

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

WRIT PETITION NO. 12954 OF 2022

**DHANSHREE D/O. PANDRANG DHONGDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Advocate for Petitioner : Mr. S.S. Thombre
Addl. G.P. for Respondents : Mr. P.S. Patil

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

DATED : 02 AUGUST, 2023

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

1. Heard learned counsel for the parties. The matter is taken up for final hearing at the admission stage with consent of learned counsels.
2. The petitioner is challenging the judgment and order dated 30.11.2022, passed by the Scrutiny Committee invalidating caste claim and confiscating the tribe certificate of 'Koli Mahadev' scheduled tribe. The petitioner is placing reliance upon validity certificate issued to her father Pandurang Pralhad Dhondge. She is also relying upon the entries of the School record of the relatives, revenue entries, vigilance report in the matter of her father and order of validity of her father.
3. Learned AGP opposes the claim of the petitioner. He

would submit that the school record shows caste of the petitioner 'Koli'. The validity certificate of the father is unreliable. The information collected during the enquiry about the place of residence, surname, deity of the petitioner and their relatives do not correspond with scheduled tribe 'Koli Mahadev'.

4. Learned AGP has produced original files of the petitioner and her father for our perusal. He would submit that the Committee has issued show cause notice to the validity holders.

5. We have considered rival submissions of the parties. The vigilance enquiry was conducted in the case of the father and report thereof is on record. The School record of Ramesh and Ashok who are uncles of the petitioner, was considered. The reasoned order was passed for granting validity certificate to her father. We find that due procedure was followed while granting the validity. We are bound to follow the validity certificate in view of law laid down by the Supreme Court in the matter of [Apoorva Nichale vs. Divisional Caste Certificate Scrutiny Committee and others](#), **2010(6) Mh.L.J. 401** and [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others](#), **2023 SCC Online SC 326**.

6. Learned AGP has drawn our attention to colour

photocopy of extract of School record of Ramesh to show that words 'Mahadev Koli' were inserted. The same entry was already considered by the Scrutiny Committee in the matter of validity of father of the petitioner. It reveals from further photocopy of school record of Ashok – uncle of the petitioner, that in the column of caste there is a mention of Mahadev Koli. This corroborates the claim of the petitioner.

7. Learned counsel for the petitioner has drawn our attention to 7/12 extract of land Gat No. 230 which is on page no.111. It bears name Pralhad Aasraji Dhondge, grandfather of the petitioner and also a stamp showing prohibition for alienation. This document corroborates the claim of the petitioner.

8. Learned AGP has drawn our attention to the table showing list of the persons whose caste is recorded as a 'Koli' in the schools. The petitioner has emphatically denying the relations of the persons appearing on page no. 33, with her family.

9. Once the Scrutiny Committee has considered all circumstances and material in the case of father of the petitioner, it is not permissible for the successive committee to re-agitate the objections. It is open for the Scrutiny Committee to conduct re-verification. In the present matter such a decision is taken and show

cause notices are issued. We, therefore, do not offer any comments on the submissions made by learned AGP. The Committee can look into it during re-verification.

10. We hold that the impugned judgment and order is arbitrary and unsustainable and, therefore, we pass following order :

ORDER

- i. The Writ Petition is partly allowed.
- ii. The impugned order dated 30.11.2022, passed by the respondent no. 2 – Scrutiny Committee is quashed and set aside. 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 matter which it intends to reopen in respect of the validity holders.
- iii. The petitioner shall not be entitled to claim equities.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)