

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

WRIT PETITION NO. 3267 OF 2023

1. SNEHA D/O. PRASHANT KAMBLE
2. VAIBHAVI D/O. BALASAHEB KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....
Advocate for Petitioners : Mr. V.M. Humbe
and Mr. O.B. Boinwad
Addl. G.P. for Respondent Nos. 1 & 2 : Mr. P.S. Patil
....

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

DATED : 26 July, 2023

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

1. Heard both the sides. Considering the urgency, the matter is taken up for final hearing at the admission stage.
2. The petitioners are challenging the judgment and order dated 17 November 2022, invalidating their caste claim for 'Koli Mahadev' scheduled tribe. The petitioners are cousin sisters.
3. The petitioners are relying upon the genealogy, validity certificates of Balasaheb, Prashant, Sangita and Kalidas. They are further relying upon the school record, vigilance report, their reply to the report and the revenue record. The main plank of their submission

is that the impugned judgment and order is discriminatory when there are four validity holders in the family.

4. Learned AGP supports impugned judgment and order. According to him there was no consistent evidence in support of the claim of the petitioners. The school record reflects entries of Koli which is non tribal. The Scrutiny Committee rightly recorded that the evidence on record is not compatible with the claim of the petitioner. He further submits that the Scrutiny Committee rightly rejected the validity certificates. The affinity test was also against the petitioners. The Scrutiny Committee has not committed any perversity or illegality.

5. The relationship of the petitioners with the validity holders is not disputed. Validity holders are paternal side relatives of the petitioners which is evident from genealogy which is on page no. 44. Nothing objectionable is pointed out by learned AGP to doubt the validity certificates of the relatives. We are inclined to rely upon the validity certificates in view of law laid down by the Supreme Court in the matter of [Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and Others](#), 2023 SCC Online SC 326.

6. The reasons recorded in the impugned judgment for discarding the validity certificates cannot be entertained, at this juncture. We are not exercising appellate jurisdiction. The Scrutiny Committee has liberty to re-verify the cases of the validity holders. The Scrutiny Committee has decided to issue show cause notices. Till the validity certificates are revoked, the petitioners are entitled to get benefits of social status. We hold that the impugned judgment and order is unsustainable and discriminatory.

7. We, therefore, allow this petition partly. The impugned judgment and order dated 17th November 2023, is quashed and set aside. The Scrutiny Committee shall issue tribe validity certificates to the petitioners for 'Koli Mahadev' schedule tribe within a period of two weeks from today, on a condition that the same shall be subject to the outcome of re-verification of the validity certificates of the relatives of the petitioners as proposed by Scrutiny Committee.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

SPC/