



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2215 OF 2021**

Anshada d/o Suresh Navasare,
Age- 19 years, Occ. Student,
R/o At- Anand Khede, Post- Khede,
Tq. & Dist. Dhule.

..Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai-32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Nashik Division, Nashik,
Through its Member Secretary.
3. State Common Entrance Test Cell,
Maharashtra State, 8th Floor,
New Excelsior Building, A.K. Nayak Road,
Fort, Mumbai- 400001.
Through its Commissioner & Competent
Authority.

..Respondents

...

Mr. S. C. Yeramwar, Advocate for the Petitioner.
Mr. V. M. Jaware, AGP for Respondent Nos.1 and 2.
Mr. M. D. Narwadkar, Advocate for Respondent No.3.

...

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

**JUDGMENT RESERVED ON :- 19th JANUARY 2024.
JUDGMENT PRONOUNCED ON :- 02nd FEBRUARY 2024.**

JUDGMENT (Per: S. G. Chapalgaonkar, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, matter is taken up for final hearing at the stage of admission.

2. The petitioner approaches this Court under Article 226 of the Constitution of India, thereby impugning order dated 18.01.2021

passed by respondent no.2-Scheduled Tribe Certificate Scrutiny Committee, Nashik thereby invalidating the caste claim of the petitioner as belonging to '*Tokre Koli*', Scheduled Tribe.

3. Mr. Yeramwar, learned Advocate appearing for the petitioner submits that the petitioner belongs to the '*Tokre Koli*', Scheduled Tribe. On 19.09.2017 the Sub Divisional Officer/Competent Authority has issued a caste certificate in favour of the petitioner certifying her as belonging to '*Tokre Koli*', Scheduled Tribe. In the year 2018 her tribe certificate was referred to respondent no.2-Committee for verification through her college. It was supported by the certificates of validity issued in favour of blood relatives, school admission entries and revenue record depicting caste entry as '*Tokre Koli*', Scheduled Tribe. The proposal of the petitioner was referred to the vigilance enquiry. The report dated 30.03.2019 was received to the Committee, which was served to the petitioner alongwith show cause notice dated 04.06.2019. The petitioner duly explained adverse remarks vide her reply dated 11.06.2019. However, the Committee vide order dated 11.07.2019 invalidated tribe claim. Petitioner had approached this Court vide Writ Petition No.13874/2019 challenging such invalidation. She had also tendered additional documents in support of her caste claim alongwith Civil Application No.6745/2020. This Court was pleased to relegate the matter to the Committee for fresh consideration vide order dated 11.12.2020. The Committee had again directed vigilance enquiry, particularly in respect of the additional documents. The report of the vigilance was received to the Committee and adverse remarks therein were duly replied by the petitioner. However, the Committee again invalidated the petitioner's caste claim.

4. Mr. Yeramwar would submit that there are two validity holders among the blood relations of the petitioner. The cousin uncle of the petitioner namely Vikas Ramdas Navasare has been granted

validity certificate dated 18.12.2008. His another cousin uncle namely Narendra Ramdas Navasare is granted caste validity on 28.06.2012. Both the aforesaid validity are intact and there is no dispute as regards to the genealogy depicting blood relations of the petitioner with the validity holders. He would further submit that the document dated 25.12.1905 in respect of great great grandfather of the petitioner namely Maharu Budha Kalu was placed on record, it notes his caste as '*Koli Dhor*',. He would further submit that this Court vide order dated 10.01.2024 passed in Writ Petition No.153/2022 directed the Committee to issue validity certificate in favour of Nandini d/o Kishor Navsare, who is cousin of the petitioner.

5. Mr. Jaware, learned AGP for respondent nos.1 and 2 vehemently opposes the petition and submits that the claim of the petitioner has been invalidated for want of sufficient material supporting caste claim. The Committee recorded its conclusion after considering entire material on record as well as findings of the vigilance cell. There are many contra entries that nullifies the evidence relied upon by the petitioner.

6. We have considered the submissions advanced by the learned Advocates appearing for the respective parties. We have gone through the voluminous documents annexed to the petition. The caste claim of the petitioner is mainly supported by the two validity granted to blood relations i.e. Vikas Ramdas Navasare and Narendra Ramdas Navasare. Admittedly, both the aforesaid validity are still intact. The Committee has not issued any show cause notice to both the validity holders. No proceeding for revocation of such validity have ever been initiated. The Committee considered both these validity in paragraph no.11 of the impugned order. The Committee records that first validity holder i.e. Vikas Ramdas Navasare has not filed his affidavit acknowledging relationship with the petitioner. We have verified the

uncontraverted genealogy, which is part of the record of the Committee. We noticed that Budha is great-great-great-grandfather of the petitioner. He had four sons namely Sakharam, Narayan, Mahru and Tanaji. The petitioner belongs to the branch of Maharu Budha Navasare, whereas Vikas hails from the branch of Tanaji. Apparently, we do not find any reason to disbelieve the contentions of the petitioner as regards to her relationship with Vikas. So far as the second blood relative namely Narendra Ramdas Navasare is concerned, the Committee simply notes that no vigilance was carried while issuing validity in his favour. Pertinently, Vikas and Narendra are real brothers. The validity was issued in favour of Vikas Ramdas Navasare on 18.12.2008, whereas Narendra Ramdas Navasare received validity certificate on 28.06.2012. In such case, it was not necessary for the Committee to refer the case of Narendra to the vigilance. Therefore, reasoning adopted by the Committee while discarding aforesaid two validity certificates supporting the caste claim of the petitioner cannot be approved.

7. The Committee has further recorded that the contra entries were not brought to the notice of the Committee at Thane, who issued validity in favour of Vikas and Narendra. Pertinently, the Committee has not formed any opinion that the validity granted to Vikas and Narendra were outcome of the fraud or misrepresentation. In this background, we have no hesitation to hold that finding of the Committee is perverse and unsustainable.

8. The petitioner has further relied upon the order passed by this Court in the matter of Nandini d/o Kishor Navsare in Writ Petition No.153/2022. However, genealogy relied by the petitioner in this case do not establish relationship of the petitioner with Nandini d/o Kishor Navsare. However, in view of the aforesaid observations, committee could have relied on validity granted to Vikas and Narendra and

validated claim of petitioner, hence, impugned order is liable to be quashed and set aside and the petitioner is entitled for the reliefs as claimed in the petition. Hence, we proceed to pass following order:-

ORDER

- a. Writ Petition is allowed.
- b. The impugned order dated 18.01.2021 passed by respondent no.2-Scheduled Tribe Certificate Scrutiny Committee, Nashik thereby invalidating tribe claim of the petitioner is hereby quashed and set aside.
- c. The respondent no.2-Committee is directed to issue caste validity certificate in favour of the petitioner for '*Tokre Koli*', Scheduled Tribe within a period of one month from the date of this order.
- d. Writ Petition is disposed of.
- e. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE