



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

WRIT PETITION NO. 4574 OF 2021

Prakash s/o. Baburao Gazile,
Age 47 years, Occu. Service,
R/o. Talegaon (Bori), Taluka Shrirur
Anantpal, District Latur

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department
Mantralaya, Mumbai
2. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad
Through its Dy. Director (R),
Aurangabad
3. The Divisional Controller
Maharashtra State Road Transport
Corporation Aurangabad Division,
District Aurangabad

.. Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner;
Mr. P. S. Patil, AGP for Respondents No.1 and 2 :
Mr. N. T. Tribhuwan, Advocate holding for Mr. A. D. Wange,
Advocate for Respondents No.3 and 4

**WITH
WRIT PETITION NO. 15351 OF 2023**

Priyanka Satish Gejele,
Age 28 years, Occu. Student,
R/o. Telegaon (Bori), Taluka Shrirur
Anantpal, District Latur

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Development Mantralaya
Mumbai

2. The Scheduled Tribe,
Certificate Scrutiny Committee,
Aurangabad .. Respondents

Mr. Anandsingh S. Bayas, Advocate for the Petitioner;
Mr. P. S. Patil, AGP for Respondents

**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 10-12-2024

PER COURT:-

1. Heard both petitions together finally at the stage of admission for the exigency in the matters.
2. Both petitioners claim the validity for “Koli Mahadev” caste tribe. However, respondent/scrutiny committee, by the impugned orders, rejected their claims. Hence, the petitioners are before the Court.
3. In sum and substance, the cases of the petitioners were that they belonged to “Koli Mahadev Scheduled Tribe”. They relied on the tribe validity certificate granted to their real brother and sister. Their blood relatives have the validity. However, the respondent No.2/ scrutiny committee has erroneously ignoring the settled law and recorded the negative findings that the petitioners are not entitled to caste validity on the basis of caste validity granted to the blood relatives of the petitioners.

4. The learned A.G.P. opposed the petitions contending that the petitioners are not entitled to the caste validity only on the basis of validity granted to the blood relatives. The reasons mentioned for not relying on the caste validity granted to the sister of petitioner - Priyanka Satish Gejele, are based on the fact that the validity of Satish Babu Gajele, father of the petitioner, was called back by the order dated 20.10.1995. Since the father of the petitioner- Priyanka had obtained the validity fraudulently, the petitioner is not entitled to the validity. Simultaneously, in the case of petitioner - Prakash s/o. Baburao Gazile, the validity claimed by the petitioner has been rejected on the same ground, in which the validity of the father of the petitioner - Priyanka was relied upon.

5. The petitioners have relied upon the view taken by this Court in the case of *Sumit Prakash Gazile vs. The State of Maharashtra, Writ Petition No.11204 of 2024, dated 10.10.2024*, who is relative of the petitioners.

6. It is not in dispute that both petitioners had claimed the caste validity on the basis of caste validity granted to their blood relatives. The petitioners submitted that yet no validity of the blood relative has been reconsidered or recalled. Therefore, the petitioners cannot be denied the validity. They are ready to face the consequences, in view of the judgment of *Shweta Balaji*

Isankar vs. The State of Maharashtra and others, Writ Petition No.5611 of 2018, dated 27.07.2018.

7. We have considered the papers produced before us.

8. It is not disputed that one Sulabha Satish Gajile, who is a blood relative of the petitioner, is the first validity holder. The vigilance inquiry was conducted while granting the validity to her and the school record was verified. One of the oldest entry of 1969 in the name of Champa Baburao was relied on. The validity was granted to her on merit. There is no scope to doubt that due procedure was followed. On the basis of her certificate, Rahul, who was another blood relative of the petitioner has also been verified. The colour photocopy of alleged admitted school record is examined and were satisfied that, it cannot be considered as manipulated. Further inquiry was also not conducted by the vigilance in that regard. That was the case of the blood relative of the petitioners. The law is well settled that unless the caste validity granted to the blood relatives is revoked by following due procedure of law, the blood relatives cannot be denied the caste validity. Hence, the petitioners deserve the social status as scheduled tribe "Koli Mahadev". That apart, the petitioners are ready to face the consequences as recorded in the case of *Shweta Balaji Isankar* (supra). Therefore, the petitioners deserve conditional validity certificate. Hence, the order:-

ORDER

- i) The writ petitions are partly allowed.
- ii) The impugned judgments and orders of respondent No.2/scrutiny committee dated 21.01.2021 and 07.12.2023, stand quashed and set aside.
- iii) The respondent No.2/scrutiny committee is directed to issue validity certificate to the petitioners belonging to “Koli Mahadev”, immediately in the prescribed proforma, on the condition of facing consequence recorded in *Shweta Balaji Isankar vs. The State of Maharashtra and others, Writ Petition No.5611 of 2018, dated 27.07.2018.*
- iv) The validity of the petitioners would be subject to the outcome of the re-verification undertaken by the respondent No.2 / scrutiny committee of the validity holders on the basis of which validity were claimed.
- v) The petitioners would not be entitled to claim equities.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE