



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

Writ Petition No. 6248 OF 2024

Onkar s/o Sunil Sarje

Age : 24 years, Occu. Education,

R/o : Mali Galli, Shevgaon, Taluka

Shevgaon and Dist. Ahmednagar.

...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribes Certificate
Scrutiny Committee, Nashik,
Dist. Nashik.
Through its Member Secretary.

...Respondents

WITH

Writ Petition No. 5870 OF 2024

1. Dhanashri d/o Dhanraj Sarje,
Age 26 years, Occu. Education,
R/o : Mali Galli, Shevgaon, Taluka
Shevgaon and Dist. Ahmednagar.
2. Dinesh s/o Dhanraj Sarje,
Age 21 years, Occu. Education,
R/o : Mali Galli, Shevgaon, Taluka
Shevgaon and Dist. Ahmednagar.

...Petitioners

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. Scheduled Tribes Certificate
Scrutiny Committee, Nashik,
Dist. Nashik.
Through its Member Secretary.

...Respondents

WITH

Writ Petition No. 5892 OF 2024

Sushil s/o Ravindra Sarje,
Age 17 years, Occu. Education,
(Minor, father under guardian)
Ravindra Dnyanoba Sarje
Age 52 years, Occu. Business,
R/o : Miri Road, Shevgaon,
Tuluka Shevgaon and Dist. Ahmednagar.

...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate
Scrutiny Committee, Nashik,
Dist. Nashik.
3. Government Polytechnic,
Burudgaon Road, Ahmednagar,
Tq. & Dist. Ahmednagar-414001.

...Respondents

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Mr. Deepak D. Choudhari, Advocate for the Petitioners in
WP-6248/2024 & WP-5870/2024.

Mr. G.R. Syed, Advocate for the Petitioner in WP-5892/2024.

Mr. D.R. Korde, AGP for Respondents/State.

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

DATE : 25 JULY 2024

FINAL ORDER [Per: Shailesh P. Brahme, J.] :

. Heard these matters finally. In all petitions, common judgment and order passed by the Scrutiny Committee, invalidating the tribe certificates of petitioners, are challenged. The record is common and we propose to decide these petitions by common order.

2. The petitioners are closely related inter se and they claim to be Koli Mahadev, scheduled tribe. By common judgment and order dated 16.05.2024, their tribe certificates were confiscated and invalidated by the Scrutiny Committee. Except Rajeshri Dhanraj Sarje, all are before this Court. They rely on validity certificate of Anil who is first validity holder and further rely on validities of Vasant, Dhanraj, Ravindra, Ganesh, Ramesh and Umesh etc.

3. Learned Counsel for the petitioners submits that after following due procedure of law validity certificate was issued to Anil, first validity holder. It would enure to the benefit of the petitioners. The selfsame record was already considered. During the course of argument, it is further informed that siblings of Anil namely Ajinkya, Aniket and Abhijeet were also issued with validity certificates. Learned Counsel tenders on record orders

passed by the Scrutiny Committee issuing validity certificates to Ajinkya, Aniket and Abhijeet.

4. Learned AGP supports impugned judgment and order. He tenders on record original papers of the petitioners and Ajinkya. He would submit that the Committee has rightly rejected the caste claim, considering incompatible school record. It is also informed that the Committee has issued show cause notices to earlier validity holders.

5. We have considered the rival submissions of the parties. With the assistance of learned AGP, we have also gone through the original papers tendered on record. It reveals that the petitioners and validity holders are blood relatives. The relationship has not been disputed by the respondents. Anil was issued with validity certificate after considering vigilance report. Pertinently contrary entries of Hindu Koli were considered by the Scrutiny Committee. The affinity test was in favour of Anil. By speaking order, he was issued with validity certificate. We are of the considered view that his validity certificate is clinching and deserves to be followed. The Committee discarded his certificate, arbitrarily.

6. While considering validity certificate of Anil, the validity issued to Dnyanoba Vitthal Sarje was relied upon. The vigilance report reflects the same, despite that the Scrutiny Committee

overlooked it. It has only recorded that while issuing him validity certificate, validities of maternal side relatives were relied on. According to us, this is perversity.

7. Unless validity certificates issued to Anil and others are revoked, the petitioners cannot be deprived of same social status. The petitioners are ready to face the consequences as contemplated in **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. We are of the considered view that the impugned judgment and order is liable to be quashed. We, therefore, pass following order :

ORDER

- a. The common judgment and order dated 16.05.2024 passed by the Scrutiny Committee are quashed and set aside.
- b. The Scrutiny Committee shall issue tribe validity certificates of 'Koli Mahadev' Scheduled Tribe to the petitioners forthwith. The same shall be subject to the outcome of re-verification proposed by the Scrutiny Committee.
- c. The petitioners shall not be entitled to claim equities.
- d. Writ Petitions are allowed partly in the above terms.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE