



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

**WRIT PETITION NO. 7711 OF 2024**

**ABHIJIT LAXMAN GADGE  
VERSUS  
THE STATE OF MAHARASHTRA  
THROUGH ITS SECRETARY AND OTHERS**

...  
Advocate for Petitioner : Mr. Boinwad Omgashad B.  
AGP for Respondents/State : Mr. R.S. Wani

...  
**CORAM : MANGESH S. PATIL &  
SHAILESH P. BRAHME, JJ.**  
**DATE : 01 OCTOBER 2024**

**PER COURT :**

. We have heard both the sides.

2. The petitioner is challenging the order of the respondent no.2/Scrutiny Committee, refusing to validate his Koli Mahadev scheduled tribe certificate.

3. During the course of arguments, it transpires that irrespective of the fact that the petitioner has not been admitting the blood relationship with the individuals whose school record, the vigilance Officer has collected on his own and has been relied upon by the Committee even though in reply to the vigilance report, the petitioner had denied to have any blood relationship with those individuals from serial no.11 to 21 in paragraph no.3 of the vigilance

report, the Committee has proceeded to refer to this record and has sought to rely upon it by treating it as a contrary record to the petitioner's claim in much as the individuals therein were described in the school record as 'Koli'.

4. Even the Committee has refused to rely upon the school record of Mahadu Kalba of 1338 Fasli, which is a favourable one on the ground that there was not enough evidence to demonstrate that petitioner is a blood relative of Mahadu Kalba.

5. Taking advantage of the fact that the Committee has proceeded on the premise that the individuals whose contrary record it has relied upon are related to the petitioner by blood, even the petitioner is now seeking to take advantage, by banking upon few validities issued pursuant to the orders of this Court to the blood relatives of those individuals whose contrary record the Committee is relying upon.

6. In the wake of such incompatible stands of the petitioner as well as the Committee, since it is a matter of social status and not an adversarial litigation, we find no hesitation in conceding to the request of the learned advocate for the petitioner for remanding the matter to the Committee for decision. This would enable the petitioner as well as the Scrutiny Committee to adopt appropriate posture and proceed to substantiate/deny the relation.

7. The writ petition is allowed partly. The impugned order is quashed and set aside.

8. The matter is remanded back to the Committee for decision afresh by extending opportunity to the petitioner to lead additional evidence and by resorting to fresh vigilance inquiry, if need be.

9. Petitioner shall appear before the Committee on 11.10.2024 and the Committee shall decide the proposal finally within three months thereafter.

[ SHAILESH P. BRAHME, J.]

[ MANGESH S. PATIL, J.]

*Najeeb..*