



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 7959 OF 2024

1. JANHAVI RAMPRASAD RANGE
2. DHANSHREE RAMPRASAD RANGE
3. PRATAP BABASAHEB RANGE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Mr. Sunil Mahadevappa Vibhute
AGP for Respondents : Mr. S.P. Joshi

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CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.
DATE : 14 AUGUST 2024

PER COURT :

The petitioners are challenging the common order, whereby, their individual tribe claims of 'Koli Mahadev' scheduled tribe have been discarded by respondent no. 2 – Committee and it has directed those to be confiscated and cancelled. Considering the urgency, the matter is heard finally at the admission stage.

2. Learned Advocate for the petitioner submits that the petitioner Pratap's father Babasaheb and petitioners Janhavi and Dhanshree's father Ramprasad, both possess certificate of validity. Babasaheb was granted validity first time by following due process of law after conducting a vigilance enquiry and by a reasoned

order. Even if the present committee is now entertaining some doubt and even alleging about he having obtained certificate of validity by practising fraud, till the time the Committee is able to recall the validity certificates, the petitioners cannot be deprived of having the benefit. They are ready to run risk and the consequences contemplated in *Shweta Balaji Isankar Versus State of Maharashtra and others*, passed by this High Court in Writ Petition No. 5611/2018.

3. Learned Advocate for the petitioners would further submit that consistent favourable record has been discarded on the basis of conjectures and surmises. Even the revenue record is being discarded and inference has been drawn about some manipulation. The order is perverse and arbitrary.

4. Learned AGP supports the order. He would submit that the Committee has given specific reasons for drawing an inference as to how validity holders succeeded in obtaining validity by suppressing contrary record. Even reliance was placed on the validity of an individual who was not related to them from paternal side. The Committee has decided to reopen the validities. Learned AGP would also submit that during vigilance enquiry in

the present matter, it was found that the revenue record of one Dayabai Premji relied upon in the matter of Babasaheb was found to have been obtained in connivance with the revenue officials. The inference was drawn after going through original record.

5. We have considered the rival submissions and perused the papers. There is no dispute about the fact that the respective fathers of the petitioners possess certificates of validity. Original file of Babasaheb has been made available to us and we could go through it minutely. Babasaheb was issued with certificate of validity by a reasoned order and after conducting a vigilance inquiry. The parameters laid down in paragraph no. 22 of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra and others*, **2023 SCC Online SC 326**, have been duly complied with.

6. The circumstances being relied upon by the Committee to draw inference about practising of fraud cannot be gone into in the present matter. It is a serious allegation of fraud and will have to be taken to the hilt by undertaking appropriate judicial enquiry by extending the validity holders an opportunity of being heard. Since they are not before us, we do not intend to cause any

prejudice to their interest by recording certain observations touching the circumstances being relied upon by the Committee to draw such an inference.

7. When the petitioners are ready to run the risk and face the consequences contemplated in *Shweta Balaji Isankar* (supra), and when their fathers posses validity, they should not be deprived of deriving the benefit of validity certificates. We, therefore, pass following order :

ORDER

- i. The writ petition is allowed partly.
- ii. The impugned judgment and order dated 26.07.2024 passed by respondent no. 2 /Scrutiny Committee is quashed and set aside.
- iii. Respondent no. 2 / Scrutiny Committee shall immediately issue tribe validity certificate to the petitioners as belonging to 'Koli Mahadev' scheduled tribe in the prescribed proforma.
- iv. The validity certificates of the petitioners shall be subject to the outcome of the reverification to be undertaken by the Scrutiny Committee of the validity holders.

v. The petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]