



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

Writ Petition No. 8440 OF 2024

Shantanu Sudam Koli

Age : 20 years, Occ. Student,

R/o : Sakhara, Tq. and Dist. Latur.

...Petitioner

Versus

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

2. Scheduled Tribe Certificate Scrutiny
Committee, Kinwat,
Head Quarter, Ch. Sambhajinagar.
Tq. and Dist. Ch. Sambhajinagar.
Through its Deputy Director (R).

...Respondents

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Mr. Pratap V. Jadhavar, Advocate for the Petitioner.

Mr. A.R.Kale, Addl.GP for Respondent/State.

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

DATE : 26 AUGUST 2024

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

1. Heard both the sides finally considering exigency in the matter.

2. The petitioner is aggrieved by the invalidation of his tribe certificate of 'Koli Mahadev' Scheduled Tribe occasioned due to the judgment and order dated 12.01.2024 passed by the Scrutiny Committee. He seeks to rely on the validity certificate

of Dyanand which was issued after following due process of law. He would also rely on old Fasli record of Ranba Panda Koli to support his tribe claim.

3. Learned AGP supports the impugned judgment and order by tendering on record photocopies of record of Dyanand, the validity holder. It is submitted that the validity of Dyanand is liable to be discarded because it was procured by suppression of material facts and ignoring incompatible school record of Gangaram, Subash, Bhagwan, Prayagbai and Radha. It is further contended that the school record of petitioner's father is found to be tampered. In view of this adverse material, the Committee has issued show cause notice to the validity holder.

4. We have considered the rival submissions of the parties. The relationship of the petitioner with validity holder is disputed by the learned AGP for the first time before the High Court. Our attention is adverted to the statement of Vishwambhar, who stated that he was not having real uncle and aunt. The impugned judgment and order does not make any observation for entertaining any doubt about the relationship between the petitioner and the validity holder – Dyanand. The Committee should have referred to the statement of Vishwambhar and examined genealogy given in the matter of Dyanand as well as one which was available in the present matter. On the contrary the show cause notice is issued to Dyanand which is indicative of blood relation.

5. In the matter of Dyanand, vigilance inquiry was conducted. The documents supporting his tribe claim were found to be genuine and by a reasoned order, he was issued with validity certificate. Apparently, his certificate of validity was issued after following due procedure of law. It would enure to the benefit of the petitioner.

6. The petitioner relies on the revenue record of Ranba Panda Koli which is of Fasli 1341 (1931 A.D.). It was also referred to in the order of Committee passed in the matter of Dyanand. In the present matter also, it is referred to, but no vigilance inquiry is conducted in that regard. It is very surprising as to why the vital document has not been verified. The petitioner cannot be denied the benefit of probative value of the document.

7. Learned AGP requests for remand of the matter to the Committee as revenue record of Ramba Panda Koli remained to be verified. It is not that the petitioner for the first time in the High Court is referring to the Fasli record of Ramba. It was part of Dyanand's matter as well as his matter. The Committee could have referred the matter for the verification. We are not inclined to accept the request for remand. The Committee has issued show cause notice to Dyanand. We do not find it appropriate to deny the validity to the petitioner till the conclusion of the re-verification.

8. The petitioner is ready to run the risk as per the judgment

rendered in the matter of **Shweta Balaji Isankar Vs. the State of Maharashtra and Others**, in Writ Petition No.5611/2018. He deserves validity certificate conditionally. We, therefore, pass following order :

ORDER

- a. The writ petition is allowed partly.
- b. The judgment and order dated 12.01.2024 passed by the Scrutiny Committee is quashed and set aside.
- c. The Scrutiny Committee shall issue tribe validity certificate of 'Koli Mahadev' scheduled tribe to the petitioner forthwith. The same shall be subject to the final outcome of re-verification proposed by the Scrutiny Committee.
- d. The petitioner shall not be entitled to claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE