



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

Writ Petition No. 9144 Of 2024

Ansh s/o Santosh Ghalge
Age : 19 years, Occ. Student,
R/o : Chaya Nagar Housing Society,
Tq. & Dist. Chhatrapati Sambhajinagar

...Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Through its Member Secretary
Chhatrapati Sambhajinagar.

...Respondents

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Mr. Vivekanand U. Jadhav, Advocate for the Petitioner.

Mr. S.R. Yadav Lonikar, AGP for Respondent/State.

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

RESERVED ON : 29 AUGUST 2024

PRONOUNCED ON : 03 SEPTEMBER 2024

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

1. Heard both sides finally considering exigency for the petitioner.

2. The petitioner is challenging judgment and order dated 08.08.2024 passed by the respondent/Scrutiny Committee,

confiscating and invalidating his tribe certificate of Koli Mahadev scheduled tribe.

3. Learned Counsel for the petitioner submits that though there is consistent documentary evidence to corroborate his claim, the Committee arbitrarily rejected his claim. It is perversity to consider place of residence to decide the tribe claim. He would submit that there is consistent school record of his blood relatives from 1963 to show caste as Koli Mahadev and merely because of contrary entry of Mahadev Ambadas Ghalge, the Committee rejected his claim.

4. Learned Counsel for the petitioner further submits that the petitioner denied relationship with Mahadev Ambadas Ghalge and specific reply to the vigilance inquiry report was submitted which is overlooked. He would submit that there is no contrary entry and the affinity test is not a conclusive test. It is submitted that impugned judgment and order is liable to be quashed.

5. Per contra, learned AGP tenders on record original papers of the petitioner. He would vehemently submit that the petitioner is relying on documentary evidence only and no validity has been issued to any of his family members. He would submit that there is no cogent material placed on record to support his tribe claim. He would submit that the school entry of Adinath was verified and it was found to be bogus and this aspect has not

been dealt with in reply to the vigilance report. He would submit that the petitioner failed in the affinity test also. According to him, the Committee has taken reasonable and plausible view and no interference is called for in the writ jurisdiction.

6. We have considered the rival submissions of the parties. We have also gone through the original papers placed on record by learned AGP. There is no validity certificate issued to any family member of the petitioner. Reliance of the petitioner is on the school entries of his relatives. The school record of Petitioner's grandfather Adinath Shrirang Ghalge was pressed into service which was of 1958 showing caste as Koli Mahadev. The school record was verified in the vigilance inquiry. The concerned headmaster of the school reported vide letter dated 17.01.2024 that the school record showing name of Adinath Shrirang Ghalge was not found. Thus the oldest entry was found to be bogus. The reply given by the petitioner to the vigilance report is silent on this aspect. The Scrutiny Committee has rightly considered this bogus school record.

7. The petitioner has rightly submitted that the area restrictions have been removed and place of residence of forefathers of the claimant has no relevance. The finding recorded by the Committee in that regard cannot be approved. Similarly the Committee failed to take into account the reply of the petitioner to contrary entry of Mahadev Ambadas Ghalge.

The petitioner denied the relationship with Mahadev. This record cannot be said to be adverse.

8. We have gone through the original record especially the questions and answers in the affinity test. For material particulars, the petitioner is shown to be ignorant. We do not find any infirmity in the findings recorded by the vigilance Committee for anthropological and ethnological linkage. There is no reason to discard the findings on the affinity test.

9. The net analysis is that the oldest record of Adinath is against the petitioner. The school entries of Shivaji of 1963, Namdev of 1978, Santosh of 1976 are in favour of the petitioner. The affinity test is against him. Production of bogus school record of Adinath would reflect on the conduct of the petitioner. In that view of the matter, we do not find any case is made out to cause any interference in exercise of the powers under Article 226 of the Constitution of India. We find that the Committee has taken a reasonable and plausible view in rejecting the caste claim.

10. Writ Petition is dismissed.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE