



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

**WRIT PETITION NO.9714 OF 2024**

Omkar Laxman Ajale

... **PETITIONER**

**VERSUS**

1. The State of Maharashtra  
through its Secretary  
Tribal Development Department,  
Mantralaya, Mumbai – 32
2. The Scheduled Tribe Certificate  
Scrutiny Committee, Chhatrapati Sambhajnagar  
District Chhatrapati Sambhajnagar  
through its Member Secretary

... **RESPONDENTS**

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Advocate for petitioner : Mr. Bolkar Yogesh B. and Mr. Dhilpe Ravindra B.  
A.G.P for respondents/State : Mr. V.M. Jaware

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

**DATE : 05.09.2024**

**ORDER (MANGESH S. PATIL, J.) :**

The petitioner is challenging the order of the respondent No.2 – scrutiny committee in a proceeding under section 7 of the Maharashtra Act No.XXIII of 2001, refusing to validate his 'Koli Mahadev' scheduled tribe certificate.

2. Considering the urgency being demonstrated, with the consent of both sides, the matter is heard finally at the stage of admission.

3. Admittedly, petitioner's father Laxman and two cousin uncles Vilas Bansidhar Ajale (08.05.2009) and Balasaheb Bansidhar Ajale

(05.04.2011) possess certificates of validity. Obviously, the petitioner is entitled to derive benefit of these validities on the touchstone of the parameters laid down in paragraph No.22 of the **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.;2023 SCC Online SC 326**.

4. Since Vilas is the original validity holder his original file is made available to us. It is abundantly clear that a vigilance enquiry was conducted and for a reasoned order he was held entitled to have a certificate of validity. Documents of school record pertaining to the period of 1957 to 1985 of the blood relatives describing them as 'Koli Mahadev' were looked into and it is thereafter that a certificate of validity was issued to him. In view of such a state of affairs on application of the parameters laid down in **Maharashtra Adiwasi Thakur Jamat** (supra), the petitioner is entitled to have a certificate of validity.

5. True it is that Committee has recorded a serious objection for extending the benefit of validity on the ground that there is enormous contrary school record of the petitioner's forefathers, wherein, they were described as 'Kachari', 'Kachari Hindu' and 'Kasar' between the period 1956 to 1961. According to Committee these were deliberately concealed by the validity holders and had succeeded in obtaining the validities.

6. It would suffice to bear in mind that this is quite a serious allegation. It will have to be proved to the hilt. We cannot undertake this

scrutiny in the present matter as the validity holders are not before us. Needless to state that the committee will have to follow due process of law to justify its inference, and to revoke the validities. However, till the time the Committee is unable to do so, when the parameters in **Maharashtra Adiwasi Thakur Jamat** (supra), as mentioned herein above stand duly satisfied, it would be injustice to refuse the petitioner benefit of these validities.

7. Though the Committee has also sought to rely upon some contrary entries of the blood relatives in the census of 1951, view of Section 15 of the Census Act, the record therein cannot be used as evidence.

8. Be that as it may, since petitioner's blood relatives particularly the first validity holder Vilas Bansidhar Ajale was issued with certificate of validity by following due process of law, the petitioner is entitled to derive its benefit of course with a condition added in the light of the decision of the Committee to reopen the validity.

9. The writ petition is allowed partly.

10. The impugned judgment and order dated 21.08.2024 passed by respondent No. 2 / Scrutiny Committee is quashed and set aside.

11. Since the petitioner is required to submit the certificate of validity to secure the admission today itself and has been allotted a College at Amravati, the respondent No. 2 – Scrutiny Committee shall immediately issue the certificate of validity to the petitioner as belonging

to 'Koli Mahadev' scheduled tribe in the prescribed proforma.

12. The validity shall be co-terminus with the validity of the earlier holders.

13. The petitioner shall not claim equity.

14. Learned AGP and the Law Officer of the Committee who are present, shall ensure that the decision is immediately communicated to the Committee.

**[ SHAILESH P. BRAHME ]**  
**JUDGE**

**[ MANGESH S. PATIL ]**  
**JUDGE**

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