



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

WRIT PETITION NO. 14536 OF 2021

Amol Ramesh Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 809 OF 2022

Maroti Shivaji Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 1887 OF 2022

Pravinkumar Bharatrao Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 14568 OF 2021

Prashant Bharatrao Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 11892 OF 2021

Pavan Dattatraya Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND

WRIT PETITION NO. 12279 OF 2021

Swati Bharatrao Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

AND**WRIT PETITION NO. 1915 OF 2022**

Ganesh Ramesh Nilewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner in all matters.
Shri P. S. Patil, Addl.G.P. for the Respondent Nos. 1 and 2 in all matters.

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

DATE : 22 JULY 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both sides finally.

2. Petitioners are from the same family and are related *intere-se*. They claim to be belonging to Scheduled Tribe 'Koli Mahadev' By common judgment and order dated 31.08.2021, their tribe certificates were confiscated and invalidated by the Scrutiny Committee, which is under challenge. As the record is common, we propose to decide these petitions by common order.

3. Learned counsel for the petitioners submits that petitioners are relying on validity certificates of Sanjay, Santosh and Bharat. Sanjay Bhujang Nilewad is the first validity holder, whose validity is still intact. Learned counsel would submit that though tribe claim of Bharat was invalidated, validity certificates

of Sanjay and Santosh are still intact and can be relied upon.

4. Learned Additional Government Pleader supports the impugned judgment and order. He would submit that invalidation of the tribe claim of Bharat is suppressed. The validity certificates of Sanjay and Santosh are unreliable. It is further submitted that there are contrary entries of close relatives and manipulation of the school record of Bharat, Dattatraya, Ashok and Vinayak. He would submit that Scrutiny Committee has rightly rejected the tribe claims.

5. We have considered submissions of both the sides. Petitioners are relying upon genealogy to show their relationship with the validity holders Sanjay and Santosh. These validity holders are paternal side relatives of the petitioners. There is no dispute about the relationship amongst them. Learned counsel for the petitioners has placed on record vigilance report of Sanjay. It reveals that old record of Amruta Rama was considered by the vigilance officer. Sanjay was issued with the validity certificate by speaking order. His validity certificate would enure to the benefit of the petitioners.

6. We have carefully gone through the impugned judgment and order. While dealing with issue No. 2, the Committee did not consider validity certificate of Sanjay Bhujang Nilewad, though the validities granted to Bharat, Bhujang, Santosh and Bhaskar were considered. Sanjay was issued with the validity certificate on 07.10.2005. His validity certificate is relevant because that is

still intact. Though Bharat's validity certificate was revoked, Bharat has preferred Writ Petition No. 10097 of 2019, which is pending in the High Court. Even if his validity is ignored, there are validities of Sanjay and Santosh. We find that on the ground of parity, petitioners are entitled to be issued with the validity certificates.

7. Validity certificates of Sanjay and Santosh are reliable in view of the judgment of the Supreme Court in the matter of Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others reported in *2023 SCC Online SC 326*. The self same record has already been scrutinized and there is no reason for us to deprive the petitioners from social status claimed by them.

8. The petitioners are ready to abide by the conditions as contemplated by judgment in the matter of **Shweta Balaji Isankar Vs. The State of Maharashtra and others judgment dated 27 July 2018 in W. P. No. 5611 of 2018**, we are of the considered view that the impugned judgment and order is liable to be quashed and set aside. We therefore pass following order :

O R D E R

(I) Writ petitions are allowed partly.

(II) Impugned common judgment and order dated 31.08.2021 passed by the respondent No. 2/Scrutiny Committee is quashed

and set aside.

(III) The respondent No. 2/Scrutiny Committee shall issue validity certificates to the petitioners of 'Koli Mahadev' (Scheduled Tribe) immediately.

(IV) The validity certificates of the petitioners shall be subject to outcome of any reverification proposed by the Scrutiny Committee.

(V) Petitioners shall not be entitled to claim equities.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24