



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10052 OF 2024

AKASH RAMRAO PANNASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

WITH
WRIT PETITION NO. 10053 OF 2024

MANOJ GANESHRAO PANNASE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Sagar S. Phatale
Addl. GP for Respondent/s – State : Mr. P.S. Patil

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

RESERVED ON : 09 SEPTEMBER 2024
PRONOUNCED ON : 18 SEPTEMBER 2024

PER COURT [*Shailesh P. Brahme, J.*] :

Heard both the sides finally considering exigency in the matter.

2. Petitioners are the cousins who are claiming validity on the basis of common record. Their tribe claim was rejected by distinct judgments and orders. We propose to decide both the petitions by this common order.

3. These petitions are directed against judgments and orders dated 04.09.2024 passed by the respondent no. 2 / Scrutiny

Committee confiscating and invalidating tribe certificates of the petitioners. They are relying on validity certificates issued to Suraj Ramrao Pannase and Neeraj Ramrao Pannase who are their blood relatives. They rely on old revenue, school record and the vigilance report conducted in the matter of Suraj Ramrao Pannase.

4. Learned counsel for the petitioners submits that the validities relied on, were issued after following due process of law which should not have been discarded by the Committee. He would further submit that unless the earlier validities are revoked, the petitioners cannot be deprived of the same social status. It is further submitted that few incompatible school entries would not lead to suppression of material facts or fraud. The petitioners are ready to face the consequences in view of *Shweta Balaji Isankar Versus State of Maharashtra and Others*, in Writ Petition No. 5611/2018.

5. Learned AGP supports the impugned judgments and orders. He tenders on record original papers of the petitioner Manoj Ganesh Pannase. He would advert our attention to manipulated school record of 1954, and that of Ram Gangaramji Pannase of 1967, Laxman Gangaramji Pannase of 1969, Vitthal Chandar Pannase of 1978 and Pandurang Chandar Pannase of 1983. He would submit that revenue record of Chandar Dubaji Pannase indicates caste as 'Koli'. He would further point out that the school record of Gangaram Dubaji Pannase of 16.06.1948 showing caste as 'Mahadev Koli' on the basis of which validity was granted to Suraj, was found to be bogus.

6. Learned AGP submits that as the Committee is undertaking reverification considering incompatible and tampered

school record. Validities cannot be issued to the petitioners. The Committee has rightly discarded the tribe certificates.

7. We have considered rival submissions of the parties. We have gone through original papers and the coloured photocopy of objectionable entries.

8. There is no dispute that the petitioners are cousins and earlier validity holders Suraj and Neeraj are real brothers of petitioner Akash. In case of Suraj, vigilance enquiry was conducted. The report thereof indicates that school entries were verified. The entry of Gangaramji Dubaji Pannase of 16.06.1948 was found to be genuine. By a speaking order, Suraj was issued with validity certificate. Following his validity, Neeraj was also issued with validity certificate by speaking order.

9. It reveals from record that school entry of Ram Gangaramji of 15.06.1967 and that of Gangaram Dubaji Pannase of 16.06.1948 support the tribe claim. The vigilance report of Suraj indicates that he withstood the affinity test as well. Apparently, both the validities are issued after following due procedure of law and would enure to the benefit of the petitioners.

10. Learned AGP points out the incompatible school record which is as follows :

Sr. No.	School Name	Student Name	Relation with Claimant	Caste	Admission date	
1.	Zilla Parishad Primary School, Sheni, Tq. Ardhapur, District Nanded	Ram Gangaram Pannase	Father	Koli	29.09.1967	

2.	Zilla Parishad Primary School, Sheni, Tq. Ardhapur, District Nanded	Laxman Gangaramji Pannase	Cousin	Koli	10.07.1969	
3.	Zilla Parishad Primary School, Sheni, Tq. Ardhapur, District Nanded	Vitthal Chandar Pannase	Cousin's Cousin	Koli	10.07.1978	
4.	Zilla Parishad Primary School, Sheni, Tq. Ardhapur, District Nanded	Pandurang Chandar Pannase	Cousin's Cousin	Mahadev Koli	02.07.1983	The word 'Mahadev' appears in different ink and in different handwriting in the column of Caste.

11. On the other hand, in the matter of Suraj affinity test was recorded in his favour. The following school record of the blood relatives of the petitioner supports the tribe claim :

Sr. No.	Types of document	Document holder's name	Relation with applicants	Caste	Date of Registration
1.	Student's admission and abstract form	Balaji Gangaramji Pannase	Cousin	Koli Mahadev	14.09.1976
2.	Student's admission and abstract form	Ganesh Gangaramji Pannase	Cousin	Mahadev Koli	14.07.1980
3.	Student's admission and abstract form	Suraj Ramrao Pannase	Brother	Koli Mahadev	15.07.1994
4.	Student's admission and abstract form	Niraj Ramrao Pannase	Cousin brother	Koli Mahadev	23.06.1995

12. Our attention is adverted to photocopy of school entry of 16.06.1948 which was held to be genuine in earlier scrutiny. From the coloured photocopy neither name nor the caste is clear. The report of the vigilance officer in respect of said entry cannot be said to be altogether incorrect. But the question would be as to

whether a single bogus entry or tampered record of Ram Gangaramji of 15.06.1967 would be sufficient for the successor Committee to reject the tribe claim. We have also considered coloured photocopy of revenue record. Khasrapatrak of survey no. 40/A and 40/C indicate name of Chandar Dubaji and there is mention of name of the land as lands of 'M Koli'. Khasrapatrak of Chandar Dubaji clearly shows mention of 'Mahadev Koli'. This old record of 1954-1955 cannot be overlooked. It has been observed by the Committee that revenue record of survey no. 40/C and 40/A mentions caste as 'Koli' which is not correct.

13. Considering the revenue record, affinity test conducted in the matter of Suraj and the school record, the earlier validity certificates could not have been discarded by the Committee. No case of apparent fraud or bogus claim has been made out. The Committee has decided to undertake reverification and it would be open for it to consider the entire material afresh to find out as to whether there is suppression of material fact or fraud. Till the earlier validities are revoked, petitioners cannot be deprived of the tribe benefits.

14. The petitioners are ready to face the consequences in view of *Shweta Balaji Isankar* (supra). We find that impugned judgment and order is unsustainable. We, therefore, pass following order:

ORDER

- i. Both the writ petitions are allowed partly.
- ii. Impugned judgments and orders dated 04.09.2024 are quashed and set aside.

iii. The respondent no. 2 – Scrutiny Committee shall immediately issue tribe validity certificate to the petitioners as belonging to ‘Koli Mahadev’ scheduled tribe in the prescribed format which shall be co-terminus with the validities of Suraj and Neeraj.

iv. The petitioners shall not claim any equities.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]