



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 11150 / 2023

1. Pramod Nagorao More
Age 30 years, Occu. Student,
R/o: Bramhanwada, Tq. Audha,
Dist. Hingoli.
2. Jyoti Nagorao More
Age 25 years, Occu. Student,
R/o: Bramhanwada, Tq. Audha,
Dist. Hingoli.
3. Kiran Sheshrao More
Age 26 years, Occu. Student,
R/o: Bramhanwada, Tq. Audha,
Dist. Hingoli.
4. Rangnath Shrirang More
Age 21 years, Occu. Student,
R/o: Bramhanwada, Tq. Audha,
Dist. Hingoli.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Scrutiny, Aurangabad Division,
Aurangabad.

...Respondents

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Mr. Anandsingh S. Bayas, Advocate for the Petitioners.

Mr. P.S. Patil, Addl.GP for Respondents/State.

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

DATE : 08 JULY 2024

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

. Heard both the sides finally at the admission stage.

2. Petitioners are challenging judgment and order dated 22.08.2023 passed by the respondent no.2/Scrutiny Committee, confiscating and invalidating tribe certificate of the petitioner for scheduled tribe 'Koli Mahadev'. They are blood relatives. A genealogy is produced on record to show the relationship *inter se* as well as their relationship with the validity holders.

3. Learned Counsel for the petitioners submits that Sheshrao who is father of petitioner no.3, Shivaji who is brother of petitioner no.1 and 2 are the validity holders. He would refer to vigilance report in the matter of Sheshrao and order passed by the Scrutiny Committee validating his tribe certificate. Reliance is also placed on order of the Scrutiny Committee passed in case of Shivaji. Learned Counsel submits that in view of judgments of **Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Others**, 2010(6) Mh.L.J. 401 and **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, 2023 SCC Online SC 326, impugned judgment and order is unsustainable.

4. Learned Additional G.P. Mr. P.S. Patil places on record original

papers of the petitioners' claims. He would submit that there are contrary entries of paternal side relatives of the petitioners indicating caste as 'Koli'. He would further refer to the revenue record of Narayan Yadoji and Vithoba Dagduji which is incompatible with the tribe claims of the petitioners. He draws our attention to the manipulated revenue entry of Vithoba Dagduji. By relying on the judgment rendered in the matter of Deepak Balaji Rodewad Vs. State of Maharashtra and Others, in Writ Petition No.9274/2021 and connected matter, he would pray to dismiss the petition.

5. Having considered rival submission of the parties and having gone through impugned judgment and order, we do not find any controversy regarding relationship of the petitioners with the validity holders. It further reveals that Sheshrao and Shivaji were issued with validity certificates after conducting vigilance inquiry. Shivaji was issued with validity certificate mainly relying upon selfsame record and validity certificate of Sheshrao. We have no hesitation to hold that both the validity certificates are reliable and should have been accepted by the Scrutiny Committee in view of law laid down in the matter of Apoorva Vinay Nichale and Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra).

6. Though learned Addl.GP has pointed out contrary entries of the paternal side relatives of the petitioners, selfsame record was earlier considered by the Scrutiny Committee and validity certificates were issued. The revenue record of Vithoba Dagduji indicating some

manipulation was also considered earlier. It is informed that Committee has decided to issue show cause notices to the validity holders. Unless the validity certificates of earlier holders are recalled, petitioners cannot be deprived of the benefit of the social status.

7. Learned Additional GP would submit that in the matter of Deepak Balaji Rodewad (supra), tribe claims of these petitioners were invalidated, although there was validity certificate issued to blood relative, Ramchandra Honaji Rodewad. In that case, consistent school record of the relative right from 1951 which was incompatible with the tribe claim of the then petitioner, was cited to reject the caste claim. In the present matter, contrary entries pertain to revenue record mainly. The contrary entries were already taken into account twice by the Scrutiny Committee. Therefore, petitioners cannot be discriminated by relying upon the judgment in the matter of Deepak Balaji Rodewad (supra). It is not applicable to the present case.

8. We find that impugned judgment and order is unsustainable. Hence we pass following order :

ORDER

- I. The Writ Petition is allowed partly.
- II. The common impugned judgment and order is quashed and set aside.
- III. The respondent no.2/Scrutiny Committee shall issue tribe validity certificates of 'Koli Mahadev' to the petitioners immediately.

- IV. The validity certificates shall be subject to outcome of the re-verification intended by the Scrutiny Committee in the matters of earlier validity holders.
- V. The petitioners shall not claim equities.

SHAILESH P. BRAHME
JUDGE

MANGESH S. PATIL
JUDGE

Noted..