



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

51 WRIT PETITION NO. 12898 OF 2017

MAYUR SUNIL KOLI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Bayas Anandsingh

AGP for Respondents : Mr. R.S. Wani

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

DATE : 18.06.2024

PER COURT :

We have heard both the sides finally.

2. The petitioner is challenging the order of respondent no. 2-Scrutiny Committee invalidating his tribe claim and directing confiscation and cancellation of the tribe certificate.

3. The learned advocate for the petitioner submits that independent of any other fact and circumstance, the petitioner is merely praying for remand of the matter, permitting him to lead additional evidence, which he could lay hands on belatedly and the material was not with him when his claim was being considered by the scrutiny committee.

4. He would advert our attention to the petitioner's additional affidavit and particularly the annexures. He would advert our attention to the fact that the genealogy, that was available before the scrutiny committee was starting from the common ancestor Vedu. The petitioner could trace out old school record of Vedu's nephew Natu Nanu Koli and niece Sushila Manu Sonwane, in whose school record they were expressly described as 'Hindu

Tokre Koli'. He would also advert our attention to the photo copies of the school record to substantiate his such stand.

5. The learned advocate for the petitioner would submit that in spite of the fact that petitioner was not in a hurry to get his claim decided, although there was a direction under the premise that he was to secure some admission to a professional course, the committee hurriedly decided the claim. No prejudice would be caused to anybody if the committee is called upon to reconsider the matter by permitting the petitioner to lead additional evidence.

6. Learned A.G.P would oppose the request for remand also. He would submit that the genealogy furnished by the petitioner before the scrutiny committee did not indicate that Vedu was having some siblings, which is an improvisation the petitioner now has been making and is taking a chance by praying for remand.

7. Indeed, the genealogy that was placed before the scrutiny committee was merely containing the branch of Vedu, who was shown to be son of Sonu, without indicating that he was having some siblings. However, the genealogy being incorrect is one thing and it being insufficient is another. Merely because Vedu's brothers or sisters were not pointed out in the genealogy that was before the committee, one cannot *ipso facto* reach a conclusion that an attempt is being made to distort the facts or the genealogy. Needless to state that it would always be open for the scrutiny committee to resort to vigilance enquiry and reach to an independent conclusion in respect of the additional genealogy being furnished by the petitioner.

8. When *prima facie*, this genealogy being sought to be relied upon by the petitioner, which seems to be a comprehensive one, shows that Natu Tanu and Sushila Manu Sonwane, whose school record of the year 1942 indicated them to be belonging to Tokre Koli, when the petitioner is coming

with a specific stand that he could trace this school record only belatedly, bearing in mind the fact that it is not a matter of litigation as such, the interest of justice would be met by remanding the matter for reconsideration by the scrutiny committee by extending opportunity to the petitioner to lead additional evidence.

9. The Writ Petition is allowed partly. The impugned order is quashed and set aside. The matter is remanded back to the respondent no. 2-scrutiny committee for decision afresh by extending an opportunity to the petitioner to lead additional evidence. It is clarified that the scrutiny committee, if it so thinks fit may resort to vigilance enquiry. The scrutiny committee may expedite the hearing and decide the matter finally.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-