



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 564 OF 2024
BALAJI SUBHASH GOPANWAD
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

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Advocate for Petitioner : Mrs. Deshmukh Manisha Digambar
(appeared Online)

AGP for Respondents/State : Mr. V.M. Jaware

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

DATE : 12 AUGUST 2024

PER COURT :

. Heard.

2. The petitioner is aggrieved by the order passed by the respondent/competent authority, refusing to issue him certificate of Koli Mahadev scheduled tribe. He is also aggrieved by the order passed by the respondent no.2/Scrutiny Committee, dismissing his statutory appeal.

3. It is being pointed out that though the petitioner had not produced couple of tribe certificates possessed by his blood relatives before the competent authority, those were produced before the Committee in the appeal and still his appeal has been dismissed. No strict proof at stage of issuance of caste certificate is required. Even the authority cannot insist for pre-constitutional record. The

respondent no.2/Committee ought to have considered all these aspects and should have objectively considered the tribe certificates produced in the appeal.

4. Learned AGP opposes the petition.

5. We have carefully gone through the order passed by the Scrutiny Committee in the appeal. *Ex facie* there is no reference demonstrating about the Committee having objectively scrutinized the petitioner's claim on the basis of the caste certificates which were produced before it. If the petitioner was not able to produce something before the competent authority, but was able to do so before the appellate authority, it is unbecoming of the appellate authority not to consider such objective material.

6. As is requested by the learned advocate for the petitioner, the writ petition is allowed and the matter is remanded back to the Scrutiny Committee for deciding the appeal afresh by taking into consideration the tribe certificates produced by him during the course of the appeal.

7. The petitioner shall appear before the Committee on 23.08.2024 and the Committee shall thereafter decide the appeal afresh within three weeks from that day.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]