

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9930 OF 2024

Pranita D/o. Sanjay Koli.

... Petitioner.

Versus

State of Maharashtra & Anr.

... Respondents.

Mr. Sahil Choudhary, h/f. Mr. Deepak Choudhary, for the Petitioner.

Ms. Neeta Bhide, G.P. A/W. Mr. S.B. Kalel, AGP for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 12th DECEMBER, 2024

P.C. :

1. **Rule.** Rule made returnable forthwith and heard finally by the consent of the parties.

2. The Petitioner is aggrieved by the order of the Competent Committee dated 2nd January, 2023 vide which, the claim of the Petitioner of belonging to the Koli Mahadev Schedule Tribe category, has been rejected.

3. The learned AGP has vehemently opposed the Petition on

the basis of the reasons assigned in the impugned order.

4. We find that the father of the Petitioner, who is in private contractual employment, had taken education in the Chhatrapati Shivaji Prashala, Solapur. A school leaving certificate, after completing SSC, dated 31st January, 2000 is before us which indicates his social status as Mahadev Koli.

5. The Petitioner submits that after the rejection of her claim, her parents noticed a document which is in Modi Lipi, at page No. 49 of the Petition paper book. Dr. Dhammapal Revan Mashalkar, who has been declared as an official translator by the Purabhilekh Sanchanalay, Government of Maharashtra, has tendered an affidavit dated 11th June, 2024. The translation put forth by Mr. Mashalkar, indicates that the entry dated 19/12/1912, is of Dhula Sambhu Bin Siresha Koli. Dhula is the great grand father of the Petitioner and Sambhu Bin Siresha Koli is the name of the father and grand father of Dhula. This document was not before the Committee.

6. The learned Advocate for the Petitioner prays that if the matter is remanded to the Committee, the vigilance cell can inquire into

this ancient document of 1912 and draw a conclusion. The learned AGP has vehemently opposed the said request.

7. It is well settled that when it comes to discovery of new documents or such documents which could have a presumptive value because of the age of the documents, it is to be left to the expertise of the vigilance cell to conduct an inquiry and deal with such documents. The High Court under its Writ jurisdiction is not expected to deal with such documents which have been presented for the first time in the Court.

8. In view of the above and to ensure that justice is done, this **Writ Petition is partly allowed** only with the intention of enabling the Petitioner an opportunity to present the old documents before the Committee, which can be tested in the vigilance cell inquiry. The impugned order is quashed and set aside. The file of the Petitioner is remitted to the Respondent No.2 Committee. The Petitioner would appear before the Committee on 20th December, 2024 at 12 noon. The Petitioner's email address and whats-app number, for easy correspondence, are as under :

Email Address : pranii.k07708@gmail.com

Whats-App No. : 8830042913

9. The correspondence between the Committee and the Petitioner would be through the email address and/or whats-app number. Since the Petitioner is a student, we would expect the committee to give priority to this matter and conduct a vigilance cell inquiry, on or before 31st January, 2025. We expect the Committee to deliver a final order by following the due procedure laid down in law, by 31st March, 2025. The Petitioner shall render wholehearted cooperation to the Committee.

10. **Rule is made partly absolute** in the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

Digitally signed by
ARUNA SANDEEP
TALWALKAR
Date: 2024.12.13
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