



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.586 OF 2025

Vaishnavi d/o Sharad Koli,
Age : 19 years, Occupation : Student,
R/o Rajuri, Dist. Dharashiv.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Department of Tribal Development,
Mantralaya, Mumbai-32.
Through its Secretary.
2. The Scheduled Tribe Certificate Scrutiny
Committee, Chhatrapati Sambhajnagar
Division, Chhatrapati Sambhajnagar.
Through its Member Secretary.

...RESPONDENTS

...
Shri Vivekanand U. Jadhav, Advocate for the Petitioner.
Shri R.K. Ingole, AGP for Respondent Nos.1 and 2/State.

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**CORAM : MANGESH S. PATIL
&
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 28th January, 2025

JUDGMENT (Per Prafulla S. Khubalkar, J.) :-

Heard Advocate Vivekanand Jadhav, for the

petitioner and Advocate R.K. Ingole, the learned AGP for the respondents/ State.

2. Rule. Rule made returnable forthwith and heard finally by consent of parties.

3. The petitioner has challenged the order dated 03.01.2025 passed by respondent No.2 Scrutiny Committee invalidating her claim for 'Koli Mahadev', Scheduled Tribe.

4. Respondent No.2 Scrutiny Committee has passed the impugned order by observing that the petitioner failed to establish her tribe claim on the strength of documentary evidence and affinity test. Although the Committee referred to the validity certificates issued in favour of close blood relatives of the petitioners, namely, Balaji Bhanudas Koli (uncle) and Madhura Balaji Koli (cousin sister), however, by referring to other documents mentioning caste/ tribe as 'Koli', the Committee refused to place reliance on these validity certificates. The Committee also observed that the petitioner failed to establish her affinity with 'Koli Mahadev', Scheduled Tribe and, therefore, her claim was invalidated.

5. Advocate Jadhav for the petitioner vehemently submitted that the petitioner's claim ought to have been validated in view of ample documentary evidence filed on record. The main thrust of his argument is on the validity certificates in favour of the petitioner's close blood relatives i.e. real uncle Balaji Bhanudas Koli, who was granted validity by the Committee on 19.09.2019 and validity of her real brother Samarth Sharad Koli and real cousin sister Madhura Balaji Koli who were granted validity certificates dated 05.08.2024 pursuant to the order dated 31.07.2024 passed by this Court in Writ Petition No.7590/2024. In view of these validities of close blood relatives, the petitioner's claim needs to be validated. It is submitted that the vigilance cell enquiry report in the matter of the petitioner's real brother Samarth Sharad Koli and cousin sister Madhura Balaji Koli was referred to and relied upon while deciding the petitioner's claim and in view of the validities in favour of Samarth and Madhura, the petitioner is also entitled for validation of her claim.

6. Advocate R.K. Ingole, the learned AGP for the respondents/ State, opposed the petition and submitted that

burden to prove tribe claim has to be discharged by the candidate independently and since the petitioner has failed to discharge the burden on the strength of her own documents, her claim is rightly invalidated.

7. We have considered the rival submissions and perused the papers.

8. It is pertinent to note that there is no dispute about the relationship of the petitioner with the above mentioned validity holders. It is undisputed fact that the Scrutiny Committee has relied upon the vigilance cell enquiry report in the matter of Madhura Balaji Koli and Samarth Sharad Koli for deciding the petitioner's tribe claim. Samarth Sharad Koli (petitioner's real brother) and Madhura Balaji Koli (petitioner's cousin sister) have been granted validity certificates by the Committee on 05.08.2024 pursuant to the order dated 31.07.2024 passed by this Court in Writ Petition No.7490/2024. It has to be noted that Madhura and Samarth had relied upon the validity of Balaji Bhanudas Koli and they were granted validities on their undertaking to abide by the conditions as laid down in the matter of ***Shweta Balaji Isankar vs. The State of Maharashtra and***

others, Writ Petition No.5611/2018 (principal seat) decided on 27.07.2018, (2018 SCC Online Bom 10363).

9. In view of the validity certificates in favour of the petitioner's real brother Samarth and other close blood relatives, her claim also needs to be validated in view of the settled position of law as laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657*** and ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]***.

Hence, we pass the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned order dated 03.01.2025 passed by respondent No.2 Scrutiny Committee is quashed and set aside.
- (c) Respondent No.2 Scrutiny Committee is directed to immediately issue a validity certificate of 'Koli Mahadev', Scheduled Tribe, in favour of the petitioner.
- (d) The validity certificate to be issued to the petitioner, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.

- (e) The petitioner shall not be entitled to claim equities.
 - (f) No order as to costs.
10. Rule is made absolute in the above terms.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)