



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

Writ Petition No. 5048 Of 2024

Sachin s/o Dnyanoba Adatrao

Age : 29 years, Occupation-Labour,

R/o. Karajkheda, Tq. and Dist. Osmanabad.

.. Petitioner

Versus

1. The State of Maharashtra,
Through the Chief Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad Region,
Aurangabad.

3. The Sub-Divisional Magistrate,
Osmanabad, Tq. and Dist. Osmanabad.

.. Respondents

AND

Writ Petition No. 15006 Of 2023

Vinod s/o Sheshrao Adatrao

Age : 30 years, Occupation-Service,

R/o. Karajkheda, Tq. and Dist. Osmanabad.

.. Petitioner

Versus

1. The State of Maharashtra,
Through the Chief Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.

2. The Scheduled Tribes Certificates Scrutiny
Committee, Aurangabad Division,
Aurangabad.

3. The Maharashtra Industrial Development
Corporation, Udyogi Sarthi, Mhakali Gufa

Marag, Andheri (E), Mumbai-40093,
Through its
Administrative Officer,
General Administration Department.

4. The Executive Engineer,
Maharashtra Industrial Development
Corporation, Division Latur,
Tq. and Dist. Latur.

.. Respondents

AND

Writ Petition No. 5139 Of 2024
With
Civil Application No. 1093 Of 2025

Dnyanoba s/o Vyankatrao Adatrao
Age : 56 years, Occupation - Service,
R/o. Karajkheda, Tq. and Dist. Osmanabad.

.. Petitioner

Versus

1. The State of Maharashtra,
Through the Chief Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste Certificate Scrutiny
Committee, Aurangabad Region,
Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad Osmanabad, Dist. Osmanabad.
4. The Vaidyakiya Officer,
Zilla Parishad Yunani Hospital,
At Takwiki Tq. & Dist. Osmanabad.

.. Respondents

- * Mr. Ameya N. Sabnis holding for Mr. E.S. Murge,
Advocate for the Petitioners.

- * Mr. P.S. Patil, Addl.GP for Respondents/State.
- * Mr. S.S. Deve, Advocate for Respondent No.3 in WP-15006/2023.
- * Mr. R.D. Raut, Advocate for Respondent No.3 in WP-5139/2023.

**CORAM : S.G. MEHARE AND
SHAILESH P. BRAHME, JJ..**

RESERVED ON : 10th MARCH 2025

PRONOUNCED ON : 17th MARCH 2025

FINAL ORDER (Per Shailesh P. Brahme, J.) :

. Heard both sides finally considering exigency in the matters.

2. Petitioners are from the same family and claiming to be members of Koli Mahadev Scheduled Tribe. They are challenging common judgment and order dated 02.12.2022 passed by the Scrutiny Committee, invalidating their tribe certificates.

3. Petitioners are relying on validities of Manoj Dnyanoba Adatrao; Raghunath Tatya Adatrao; Deepak Raghunath Adatrao and Dilip Raghunath Adatrao. According to them, Manoj was issued with validity certificate by following due procedure of law and that is reliable. It is submitted that orders of invalidation of couple of relatives would not affect their tribe claim. It is further submitted that though incompatible school record was pitted against them, there is no fraud or there is no willful suppression of material facts.

4. Learned Counsel for the Petitioners Mr. Ameya Sabnis relies on the following judgments :

- (i) Venkat s/o. Bhujangrao Adatrao Vs. State of Maharashtra and Others, in Writ Petition No.5104/2022
- (ii) Sayanna Vs. State of Maharashtra and Others, (2009) 10 SCC 268.
- (iii) Bharat Bhagwant Tayade Vs. State of Maharashtra and Others, 2022(3) Mh.L.J. 782.
- (iv) Anil s/o Shivram Bandawar Vs. District Caste Certificate Verification Committee, Gadchiroli and Another, 2021(5) Mh.L.J., 345.
- (v) Bankam s/o Balaji Maldode Vs. State of Maharashtra and Others, in Writ Petition No.9047/2020.

5. Learned AGP supports impugned judgment and order. He tenders on record original files of earlier validity holders and the present petitioners in support of his submissions. He submits that school entry of Venkat Hanmant of 25.06.1951 is pressed into service by the Petitioners as well as previous validity holders. But the verification of the entry was not conducted and it is found to be manipulated. It is vehemently submitted that adding said entry in school register is serious than manipulation. It is submitted that the validities which are pressed into service were issued by the Committee of which Mr. V.S. Patil was the member and notoriety of Mr. V.S. Patil was taken note of on the judicial side. The orders of the Committee while issuing validities are cyclostyle orders and no independent reasons were assigned.

6. Learned AGP submits that the petitioners have suppressed

orders of invalidation of paternal side blood relatives namely Waman Dashrath Adatrao, Mahadev Dashrath Adatrao and Somnath Laxmanrao Adatrao. It is further submitted that the Committee has rightly taken into account the incompatible and tampering of school record of paternal side relatives. The reliance is placed on the judgment of Prasad Laxmanrao Vs. State of Maharashtra.

7. We have considered rival submissions of the parties. We have gone through the relevant papers from the original files. Petitioners have placed on record the genealogy in which the validity holders are figuring. They were issued with validity certificates by the Committee by separate orders of which Mr. V.S. Patil was the member. It also appears from record that no verification was conducted into the school record of Venkant Hanumant of 1951 which is consistently relied upon in the tribe claims.

8. Raghunath Tatya Adatrao is the first validity holder in whose case also the vigilance was conducted. By a reasoned order, he was issued with validity certificate by the Committee. In the case of Manoj, vigilance was conducted. After considering the report and the documents and relying on validity of Raghunath Tatya Adatrao, he was issued with validity certificate. The school record of Venkant Hanumant Adatrao of 25.06.1951 was not verified. Thereafter Deepak Raghunath and Dilip Raghunath were also issued with validity certificates. In their case, the vigilance was conducted. What reveals from record is

that in the case of earlier caste claims, the vigilance inquiry was conducted. It's not that on unverified entry of Venkat is the solitary basis for issuing validities. We find that the validities pressed into service are issued after following due procedure of law and would corroborate the petitioners' claims.

9. The strong objection raised by the learned AGP to the orders of the Scrutiny Committee passed in favour of four paternal side relatives of the petitioners granting them validity, can be dealt with by referring to view taken by coordinate bench in a common judgment and order dated 24.08.2023 in the matter of Pranav s/o Ramrao Mantre Vs. State of Maharashtra and Ors., in Writ Petition No.12622/2021. It is impermissible for learned AGP to raise such objection and for that purpose, we rely on following observations :

“7. As regards the observation of the Committee regarding composition of the then Committee which granted validities to Laxman Mantre and Dhanraj Ravikant, in our considered view, a successor committee cannot question such composition more so when according to Rule 9(3) of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Rules, 2003, the decision of the committee which comprises of three members can be by majority. In this view of the matter when there was no dispute about the eligibility of the other two members this ground will not be sustainable.

8. There is no dispute about the fact that the petitioners' father Ramrao Mantre, has been granted validity by the Committee by following due process of law. The Committee has now sought to take exception to that order by observing that the conduct of the then Committee members was dubious. It was headed by one V.S. Patil. We need not deliberate on this. So long as the certificates of validity issued by following necessary procedure in accordance with law are not confiscated and cancelled in accordance with law as is prescribed under section 7(1) of the Maharashtra Act No. XXIII of 2001, the committee could not have refused to extend the benefit of the validities in the family by questioning the functioning of the then scrutiny committee.

9. In the circumstances, the petitioners deserve to be extended the benefits of having conditional validities.”

10. Though late Mr. V.S. Patil was the member of the Committee which issued the validities, by that itself would not be a ground to reject the tribe claim. The cyclostyle orders are passed. No independent reasons are assigned by the Committee in granting the validities on earlier occasion. But this is not sufficient to conclude at this juncture to infer fraud. If the Committee is of the opinion that this would amount to fraud then it is open for it to undertake the reverification which has already been done by the Committee. When the reverification is underway, the petitioners cannot be denied benefit of same social status.

11. The learned AGP relied on the judgment of Prasad Laxmanrao Paratwad (supra). He has pointed out paragraph no.12, 13, 14 to 17 and 32. In that case besides the orders passed by the Committee of which the Mr. V.S. Patil was the member, there was interpolations in the school record. Headmaster of the concerned school did not respond to the Committee. Those interpolations were admitted by then petitioners. Considering those peculiar facts, the tribe claim was rejected. The judgment cited is distinguishable. In the case at hand, there are four validities and other documentary evidence to corroborate the claim. We therefore find that ratio cannot be made applicable to the present case.

12. The school record of Venkant Hanmant was not verified on earlier occasion. We have gone through the report of Headmaster which shows that a new entry is inserted in the school register. We have gone through the photocopy which is in urdu script. The school entry of 25.06.1951 is doubtful. The Committee has already proposed reverification to find out as to the fraud existed or not. It is not possible at this juncture to hold that there is a fraud.

13. The orders of invalidation in case of Waman, Mahadev and Somnath were suppressed. After going through the genealogy, it cannot be said that those persons are close relatives of the petitioners, though they are paternal side relatives. The suppression of order of invalidation would not be an impediment in granting validity. The petitioners have rightly referred to the judgment of Bankam Balaji Maldode (supra). We preferred to rely on paragraph nos. 5 and 6 which are as follows :

“5. It does appear that the fact of invalidation of Madhukar Maldode and Mahesh were not brought to the notice of the Committees when the subsequent validities were issued. However in our considered view, this cannot be regarded as suppression of a material fact. The decision regarding invalidation would operate in personam, qua that particular individual. Since the petitioner or the subsequent validity holders were not the parties to that proceeding, even that decision would not be binding on them.”

“6. It is a matter to be borne in mind that by virtue of Section 8 of the Maharashtra Act No.23 of 2001, the burden is on the claimant to establish his claim by leading cogent and convincing evidence. If he fails to do that obviously he is bound to lose the tribe certificate or caste certificate. That will not preclude other blood relations from putting up a claim and making an attempt to establish and discharge the burden. Hypothetically in given a case, if one blood relation secures invalidity but other blood relative may succeed by leading cogent and convincing evidence in getting the validity certificate. Consequently, merely because there was an invalidity of Madhukar Maldode and Maheshkumkar Maldode which were allegedly not disclosed to the subsequent Committees which issued

validity certificate to the other blood relatives it cannot be said and treated as an adverse one. Precisely for this reason, the observation and conclusion of the Committee that non-disclosure of the invalidities would go to the root of the subsequent validity certificate is clearly perverse and arbitrary conclusion.”

14. The learned AGP has also strenuously submitted that there is incompatible and tempering of the school record of the paternal side blood relatives. Their relationship with the petitioners has not been disputed. When the validities pressed into service by the petitioners are still intact and unless those are revoked, the petitioners cannot be denied the benefit of same social status. Incompatible school record or the bogus entry of Venkant Hanumant and the cyclostyle orders passed by the Committee of which Mr. V.S. Patil was member can be taken into account during the reverification. The petitioners are ready to face consequences as per Shweta Balaji Isankar Vs. State of Maharashtra. They deserve conditional validity. We find that impugned judgment and order is unsustainable. We, therefore, pass following order :

ORDER

- (i) The Writ Petitions are allowed partly.
- (ii) The common judgment and order dated 02.12.2022 passed by the Scrutiny Committee is quashed and set aside.
- (iii) The Respondent/Scrutiny Committee shall issue tribe validity certificates of 'Koli Mahadev' Scheduled Tribe to the petitioners forthwith. The validity certificates shall be subject to outcome of reverification proposed by the Scrutiny Committee.

- (iv) The petitioners shall not claim equity.
- (v) Civil Application No.1093/2025 stands disposed of.

[SHAILESH P. BRAHME]
JUDGE

[S.G. MEHARE]
JUDGE

najeel..