

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

964 WRIT PETITION NO.14087 OF 2024

Gokul Ramrao Gavli

Versus

The State of Maharashtra Through Its Secretary And Others

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Shri. Deepak D. Choudhari h/f. Shri. R. B. More,

Advocate for the Petitioner

Ms. P. J. Bharad, AGP for the Respondent / State.

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

DATED : JUNE 10, 2025

PER COURT :-

. Heard learned Advocate for the Petitioner and learned AGP for Respondent Nos.1 to 3. Perused the papers on record.

2. The Petitioner, who claims to be belonging to “Koli Mahadev” Scheduled Tribe, has challenged the order dated 20.01.2023 by which Respondent No.2 – Scrutiny Committee has invalidated the Petitioner’s claim towards the above referred Tribe.

3. It is submitted by the learned Advocate for the Petitioner that Cousin Cousin Uncle of the Petitioner is granted validity by Respondent No.2 – Scrutiny Committee to be belonging to “Koli Mahadev” Scheduled Tribe. He submits that as there is no dispute in respect of relationship between the Petitioner and his Cousin Cousin Uncle. Respondent No.2 – Scrutiny Committee ought to have validated the Petitioner’s claim. He submits that Writ Petition Nos.8492 of 2023 and

12850 of 2022 were filed by the Daughter of the Cousin Cousin Uncle of the Petitioner and Cousin Cousin Uncle of the Petitioner, respectively, and this Court by order dated 07.08.2023 has allowed the said the Writ Petitions on the basis of validity granted to Sandip who is Cousin Cousin Uncle of the Petitioner.

4. The Petition is opposed by the learned AGP. She submits that the validity granted to Sandip was obtained by suppressing material aspect from Respondent No.2 – Scrutiny Committee and by submitting false documents. She submits that Respondent No.2 – Scrutiny Committee has reopened the validity granted to said Sandip. However, she does not dispute the aforesaid order passed by this Court in the aforesaid Writ Petitions.

5. Copy of genealogy is at page no.22. There is no dispute in respect of the said genealogy. Sandip, who is Cousin Cousin Uncle of the Petitioner, is granted validity by Respondent No.2 – Scrutiny Committee. One Hari, who is shown in the said genealogy, was the Petitioner in Writ Petition No.12850 of 2022. In the impugned order, Respondent No.2 – Scrutiny Committee has invalidated the Petitioner's claim observing that the validity of Sandip was based on false documents. Perusal of the Order dated 07.08.2023 passed by this Court in the above referred two Writ Petitions shows that this Court had considered the said aspect of validity issued to Sandip. The relevant observations from the said order are reproduced below :

“4. True it is that fraud vitiates everything. The Committee has tried to demonstrate that there was a fraud when Sandip obtained validity certificate from the Committee. It is the matter which we consciously do not intend to undertake a scrutiny of. The reason being, already the Committee has decided to reopen the validity and has issued him a notice to show cause. Considering the peculiar facts and circumstances, whether actually there was some fraud and the order in favour of Sandip stands vitiated because of such fraud is a matter which would be directly and substantially in issue before the Committee in his case. Any comment made by us in this matter is likely to have some bearing in that case which we want to avoid. Besides Sandip is not before us. We should avoid making any comment which would cause prejudice to his interest.

5. We are merely concerned with the fact that Sandip was granted validity by the then Committee by undertaking a Scrutiny in accordance with law. It is not the version of the Committee in the present order that no inquiry at all was conducted. If that be so, if and when the Committee is able to conclude that his validity stand vitiated by fraud, it could have a bearing on the petitioners’ claim. The petitioners being ready to have a conditional validity, we see no reason to not to extend the benefit of the Sandip’s validity to them.

6. The writ petitions are partly allowed. The impugned order is quashed and set aside. The committee shall immediately issue tribe validity certificate to the petitioners as belonging to ‘Koli Mahadev’ scheduled tribe, which shall be subject to the decision to be taken by the committee in the reopened matters.

7. The respondent – Scrutiny Committee shall issue certificate of validity to the petitioners in the prescribed format without putting up any additional endorsement thereon.

8. Petitioners and their blood relations shall cooperate the Committee in early decision of the reopened matters.”

6. Though it is not disputed that the case of Sandip has been reopened by Respondent No.2 – Scrutiny Committee, we have been informed that no decision has been taken till date by Respondent No.2 – Scrutiny Committee. Therefore, as there is no dispute in respect of relations between the Petitioner and Sandip and also the aforesaid two (2) Petitioners in Writ Petition Nos.8492 of 2023 and 12850 of 2022, the

Petitioner herein shall be entitled for conditional validity as granted to Sakshi Hari Gawli and Hari Shamrao Gawli who are in blood relations with the Petitioner. Hence, we proceed to pass the following order.

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned Order dated 20.01.2023 passed by Respondent No.2 – Scrutiny Committee is quashed and set aside.
- (iii) Respondent No.2 – Scrutiny Committee shall issue Tribe Validity Certificate to the Petitioner as belonging to **“Koli Mahadev” Scheduled Tribe**, which shall be subject to the decision to be taken by Respondent No.2 – Scrutiny Committee in the reopened matters.
- (iv) Respondent No. 2 – Scrutiny Committee shall issue Certificate of Validity to the Petitioner in the prescribed format without putting up any additional endorsement thereon.
- (v) The Petitioner and their blood relations shall co-operate Respondent No.2 - Scrutiny Committee in early decision of the reopened matters.
- (vi) The Petitioner shall not be entitled to claim equities.
- (vii) Consequently, the order of termination of the Petitioner from the services passed by Respondent No.3 dated 26.09.2022 is quashed and set aside.
- (viii) Petition stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

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