



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

WRIT PETITION NO.3109 OF 2023

Pavan s/o Subhash Sable,
Age : 30 years, Occu. Service,
R/o Bhagur, Taluka Shivgaon,
District Ahmednagar.
Presently residing at Dhule.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through its Secretary.
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Nashik Division, Nashik-2.
Through its Member Secretary.
3. The Instructor,
State Reserve Police Force,
Group No.7, Daund, Dist.Pune.
4. The Instructor,
State Disaster Response Force,
Dhule.

...RESPONDENTS

**WITH
WRIT PETITION NO.4415 OF 2023**

Rohini d/o Prabhakar Sable,
Age : 48 years, Occu. Service,
R/o Ganeshnagar, Shevgaon,
Taluka Shivgaon, District Ahmednagar.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through its Secretary.
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Nashik Division, Nashik-2.
Through its Member Secretary.
3. The Chief Executive Officer,
Zilla Parishad, Ahmednagar.

...RESPONDENTS

...

Shri Deepak Choudhari, Advocate for the Petitioners.
Shri S.R. Wakale, AGP for Respondent Nos.1 to 4/State in Writ
Petition No.3109/2023 and for Respondent Nos.1 and 2/State in
Writ Petition No.4415/2023.

...

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

DATE : 03rd March, 2025

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

Heard the learned advocate Shri Deepak Choudhari
for the petitioners and advocate Shri S.R. Wakale, the learned
AGP for the respondents/ State.

2. Rule. Rule made returnable forthwith and heard

finally by consent of parties.

3. By these two petitions, the petitioners have challenged separate orders, both dated 14.02.2023, passed by respondent No.2 Scrutiny Committee invalidating their claims for 'Koli Mahadev', Scheduled Tribe. Since both the petitioners are cousins and are relying upon same genealogy and same set of evidence, these petitions are being decided by this common judgment.

4. Respondent No.2 Scrutiny Committee has passed the impugned orders by observing that the petitioners have failed to establish their tribe claim on the strength of documentary evidence as well as on account of failure to prove affinity with 'Koli Mahadev' tribe.

5. Assailing the impugned orders, the learned advocate Shri Choudhari for the petitioners vehemently submitted that the Scrutiny Committee has adopted an erroneous approach in appreciating documentary evidence, particularly validity certificates in favour of close relatives of the petitioners. By inviting our attention to the genealogy, it is submitted that Amol, son of Subhash Sable, who is real brother of Pavan (petitioner in

Writ Petition No.3109/2023), has been granted the validity by following due procedure. Similarly, Rushikesh Dnyaneshwar Sable, cousin brother of the petitioners, has been granted validity by this Court vide judgment dated 26.08.2024 in Writ Petition No.1018/2021. It is submitted that in view of these validity certificates of close blood relatives, the petitioners are also entitled to validation of their claims.

6. Advocate Shri Wakale, the learned AGP for the respondents/ State, opposed the petitions and justified the impugned orders by pointing out that there are documents of pre-independence era showing the caste as 'Hindu Koli' and in view thereof, reliance cannot be placed on the validities. It is submitted that the petitioners were bound to prove their claim independently.

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

8. It is undisputed that Amol Subhash Sable, who is the real brother of the petitioner Pavan, has got a validity. So also, Rushikesh Dnyaneshwar Sable, who is cousin of the petitioners, is held entitled to have the conditional validity by judgment

dated 26.08.2024 in Writ Petition No.1018/2021.

9. In view of the validity certificates in favour of the petitioners' close blood relatives, their claims also need 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]***.

10. Hence, the petitioners are also entitled to validation of their claims, which have to be co-terminus with the validity of Rushikesh Dnyaneshwar Sable, and subject to the consequences spelt out in ***Shweta Balaji Isankar vs. The State of Maharashtra and others, 2018 SCC Online Bom 10363***.

Hence, we pass the following order:-

- (a) The Writ Petitions are partly allowed.
- (b) The impugned orders dated 14.02.2023 passed by respondent No.2 Scrutiny Committee are quashed and set aside.
- (c) Respondent No.2 Scrutiny Committee is directed to immediately issue validity certificates of 'Koli Mahadev',

Scheduled Tribe, in favour of the petitioners.

(d) The validity certificates to be issued to the petitioners, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.

(e) The petitioners shall not be entitled to claim equities.

(f) No order as to costs.

11. Rule is made absolute in the above terms.

kps

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