



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3556 OF 2025

Gajanan s/o Pandit Gavali,
Age: 36 years, Occ: Service (Junior Clerk)
R/o. At Post Wasangvi (Sundarwadi),
Tq. Bhokardan, Dist. Jalna.

...PETITIONER

V/s.

1. The State of Maharashtra
Through its Principal Secretary
Social Justice and Special Assistance Department,1
Mantralaya, Mumbai-32
2. Commissioner of Social Welfare,
3, ChurchRoad, Social Welfare Commissionerate,
Pune, Tq. and Dist. Pune -1.
3. Divisional Assistant Commissioner,
Social Welfare Department,
Khokadpura, Chhatrapati Sambhajnagar.
4. Scheduled Tribe Certificate
Verification Committee,
Chhatrapati Sambhajnagar.
Near Saint Lawrence School, CIDCO,
Chhatrapati Sambhajnagar,
Dist. Chhatrapati Sambhajnagar.
Through its Deputy Director (Research)
and Member Secretary.

...RESPONDENTS

.....
Mr. C.R. Thorat, Advocate for the Petitioner
Mr. R.K. Ingole, AGP for the Respondent/State
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**CORAM : MANGESH S. PATIL &
Y.G. KHOBRAGADE, JJ.**
DATE : 23.04.2025

JUDGMENT :- (Per: Y.G. Khobragade, J.)

1. Rule. Rule made returnable forthwith. At the joint request of the parties the matter is being disposed of at the stage of admission.
2. By the present petition under Article 226 of the Constitution of India, the petitioner prays for issuance of writ of mandamus to set aside the impugned judgment and order passed by the respondent no.4-Scrutiny Committee, Aurangabad, on 05.03.2025.
3. The learned counsel appearing for the petitioner takes us to the genealogical tree of Shri Kaluba, the great-great grandfather of the petitioner. Shri Kaluba was having two sons namely Shri Ranuba and Shri Barku. Shri Ranuba was having four sons namely Motiram, Gangaram, Mukunda and Hari, the great grandfather and cousin great grandfather of the petitioner. Shri Gangaram was having two sons Pandit and Samadhan. Shri Pandit had three sons namely Dnyaneshwar, Gajanan and Vishnu, whereas Samadhan was having one son Akash. The petitioner is grandson of Gajanan and son of Pandit. The second genealogical branch of Barku was having two sons Totaram and Tulsiram. On 29.04.2020, the respondent

no.4/scrutiny committee issued caste validity certificate in favour of Babu Totaram Gawli, the cousin uncle of the petitioner. On 25.02.2022, the coordinate bench of this Court passed an order in writ petition No.1565/2020 (Shubham Baburao Gavali V/s. The State of Maharashtra & Ors.) and granted validity certificate to Shubham Baburao Gavali of the Koli Mahadev scheduled tribe. On 06.09.2011, the respondent no.4/scrutiny committee issued Koli Mahadev scheduled tribe validity certificate in favour of Balu Sheshrao Gavli, the paternal blood relative of the petitioner. Therefore, it appears that there are as many caste validities in paternal blood relatives of the petitioner of Koli Mahadev scheduled tribe.

4. Since there are number of validities in the family of the petitioner, however, the respondent no.4 refused to validate petitioner's tribe claim on the ground that, though the petitioner submitted caste validity certificate of Sheshrao Balu Gavli, Babu Totaram Gavli, however, said validities were obtained by concealing the facts, therefore, the petitioner is not entitled to validation. However, the fact remains that the validity certificates granted by the respondent no.4 on 29.04.2010 in favour of Babu Totaram Gavli has not been revoked as on today. The respondent no.4 has not given justifiable reasons while invalidating the caste claim of the petitioner.

5. We have considered the rival submissions canvassed on behalf of both the sides and gone through the petitioner paper book. The issue involved in the present petitioner is no longer *res integra* as held by this Court in the case of **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.** (Writ Petition No.6320/2017) and in the case of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors;** 2023 SCC Online SC 326.

6. Reverting back to the facts of the present case and on perusal of the impugned order it *prima facie* appears that, on 25.02.2022, the coordinate bench of this Court passed an order in writ petition no.1565/2020 (Shubham Baburao Gavali V/s. The State of Maharashtra & Ors.) and granted validity certificate to Shubham Baburao Gavali of the Koli Mahadev scheduled tribe who is the paternal blood relative of the petitioner. Therefore, apparently there are validities of Thakur scheduled tribe in the family of the petitioner. Though, the respondent no.4/scrutiny committee has observed about concealment of facts for obtaining validities by Sheshrao Balu Gavli and Babu Totaram Gavli, however, nothing has been brought on record to show that, the caste claim of both of them were revoked by the respondent no.4. Therefore, considering the law laid down in the case of **Shweta Balaji Isankar** and **Maharashtra Adiwasi Thakur Jamat Swarakshan**

Samiti, cited *supra*, the petitioner is entitled for the validity certificate which shall be subject to the decision to be taken by the respondent no.4/scrutiny committee, if it is decided to re-open the caste claim of the blood relatives of the petitioner.

7. In view of above discussion, the writ petition is partly allowed. The impugned order dated 05.03.2025 passed by the respondent no.4 is quashed and set aside. The respondent no.4/scrutiny committee shall immediately issue tribe validity certificate to the petitioner as belonging to the Koli Mahadev scheduled tribe which shall be subject to the decision to be taken by the committee in re-opened matters.

[Y.G. KHOBRADE, J.]

[MANGESH S. PATIL, J.]