



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

947 WRIT PETITION NO. 3060 OF 2013

Satish Eknath Tayade,
VERSUS
The State of Maharashtra And Others

- ...
- Mr. S. R. Barlinge, Advocate for the Petitioner
 - Mr. G. A. Kulkarni, AGP for State
- ...

**WITH
CIVIL APPLICATION NO. 12381 OF 2022
IN WP/3060/2013**

...

**CORAM : NITIN B. SURYAWANSHI &
VAISHALI PATIL – JADHAV, JJ.**

DATE : DECEMBER 03, 2025

PER COURT:

1. The petitioner by this petition is challenging the decision of the Committee dated 09.01.2013 thereby invalidating the claim of the petitioner that he belongs to 'Koli Mahadev'.

2. Before the Committee the petitioner relied upon the entry of the caste 'Hindu Dongri Koli' in the school record of his father taken on 20.08.1951 so also the entry in his school record of 'Mahadev Koli' taken on 04.07.1973. Petitioner's uncle's entry of 'Hindu Koli Dongri' dated 12.06.1961 was also relied on by the petitioner. In the grandfather's school record on 01.08.1931 his caste is mentioned as

‘Koli’. The Committee has rejected the claim of the petitioner observing that in the grandfather’s school record the caste is mentioned as ‘Koli’. The Committee has further held that there is inconsistency in the caste status mentioned in the school record of the father and uncle of the petitioner and applicant’s school record is recent.

3. Petitioner has filed Civil Application No. 12381 of 2022 seeking permission to place on record the old record of 1919 of his grandfather Waman Tanhaji Tayade, wherein in the birth and death register of the village panchayat Bhamrud, the caste is mentioned as ‘Mahadev Koli’.

4. Heard learned Advocate for the petitioner, learned AGP for the State. Perused the original record made available by AGP assisted by Law Officer of the Committee.

5. The revenue record relied upon by the petitioner and verified during the vigilance cell enquiry reveals that the 7/12 extract of the lands owned by great grandfather Tanu Sona Koli and others mentions in the other rights column that the said lands are of inalienable or restricted condition.

Section 36A of the Maharashtra Land Revenue Code provides restrictions on transfer of lands occupied by the triables. In terms of the said Section the entry of inalienable tenure is taken in the

other rights column of the lands belonging to the tribes. This, therefore, supports the case of the petitioner that he belongs to Scheduled Tribe.

6. Another ground on which the Committee has invalidated the tribe claim of the petitioner is that in the School Leaving Certificates of petitioner's father and uncle the caste is mentioned as 'Dongri Koli' whereas in petitioner's School Leaving Certificate it is mentioned as 'Mahadev Koli' and therefore, according to the Committee there is inconsistency in caste recorded in the school record of the petitioner and his uncle and his father.

The Committee has failed to consider that the in Entry No. 29 of Presidential Order 'Koli Mahadev, Dongar Koli' is mentioned. So it hardly makes any difference whether the caste is mentioned as 'Dongar Koli' or 'Mahadev Koli'. The Committee has committed an error in rejecting the caste claim of the petitioner on the said ground.

7. In support of his case, the petitioner has rightly relied on the decision of this Court in the case of ***Nilesh S/o Gulab Sonawane and Another Vs. The State of Maharashtra and Others***¹ dated 18.10.2023. This Court in Paragraph 14 of the order has held, "the reference of 'Koli Dhor' or 'Tokre Koli' cannot be treated to be contrary entry. Both are Scheduled Tribes. The difference in nomenclature may

¹ WP/9654/2019

not change social status as both the castes are included in one entry.” In this view of the matter, the said finding recorded by the Committee cannot be sustained.

8. As far as the entry ‘Koli recorded in the caste column of the grandfather’s school record, the petitioner has relied on the document of 1919 i.e. birth and death register/extract of the village panchayat Bambrud, wherein his caste is recorded as ‘Mahadev Koli’.

Learned AGP has strenuously urged that the matter may be remanded to verify this document. It is also submitted that the record of the petitioner’s case could not be found and the Committee has reconstructed the record. We are unable to accept the said request, as the present petition is pending since 2013 and the petitioner is deprived of all the service benefits due to pendency of the present petition and he is to retire in next 35 days.

9. In view of all the old documents on record, wherein the caste of the petitioner’s grandfather in pre-constitutional document is mentioned as ‘Mahadev Koli’, petitioner’s father’s and uncle’s school record, which is of the year 1950 and 1954 mentions the caste as ‘Hindu Dongri Koli’, in our view, these documents have greater probative value and the revenue entries of inalienable or restricted tenure.

10. For the aforestated reasons, we are of the view that the petitioner has proved his claim and the Committee's order is unsustainable.

11. In the result, writ petition is **allowed**. The impugned order of Respondent No. 2 – Committee is hereby quashed and set aside.

12. The Committee is directed to forthwith issue validity certificate to the petitioner as belonging to 'Koli Mahadev'.

13. In the light of above, the petitioner shall be entitled for all the service benefits, which shall be paid to him within twelve weeks from the date of uploading of this order.

14. Civil application, if any, stands disposed of.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]