



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

WRIT PETITION NO.5301 OF 2003

Uddhav Motiram Sarje,
Age : 39 years, Occ : Service,
R/o C/o Shivaji Khandu Patil
Behind Pille Niwas, Vikramnagar,
Latur.

...PETITIONER

-VERSUS-

1. The State of Maharashtra.
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Verification Committee,
Through its Chairman/ Director,
Aurangabad Division, Aurangabad.
3. The Taluka Executive Magistrate,
Ausa, Dist. Latur.
4. The Disciplinary Authority,
Union Bank of India,
Industrial Relations Department,
Central Office, Latur.
5. The Assistant General Manager,
Union Bank of India,
Regional Office, Pune.
6. The Collector,
Collectorate, Latur.

...RESPONDENTS

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Shri A.S. Golegaonkar, Advocate for the Petitioner.
Shri S.R. Wakale, AGP for Respondent Nos.1 to 3 and 6/State.
Shri S.V. Natu, Advocate for Respondent Nos.4 and 5.

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

DATE : 20th January, 2025

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

By this petition, the petitioner has challenged the order dated 26.09.2003 passed by respondent No.2 Scrutiny Committee invalidating his tribe claim for 'Mahadeo Koli', Scheduled Tribe.

2. This petition was admitted by order dated 10.12.2003 and during the pendency of the petition, interim relief was granted in favour of the petitioner.

3. The matter is now taken up for final hearing. Heard Advocate Shri Golegaonkar for the petitioner, Advocate Shri Wakale, learned AGP for respondent Nos.1 to 3 and 6/State and Advocate Shri Natu for respondent Nos.4 and 5.

4. The learned counsel for the petitioner submitted that the impugned order is unsustainable in law and the petitioner's claim ought to have been validated. He submitted that the petitioner had submitted all the available documents before the Scrutiny Committee and on the basis of those documents, the tribe claim ought to have been validated. He also stated that although the petitioner could not produce before the Scrutiny Committee any document of pre-independence era, however, in view of the documents submitted by him, the tribe claim ought to have been validated. He also submitted that the Scrutiny Committee ought to have validated the tribe claim on the basis of the affinity established by the petitioner.

5. *Per contra*, the learned AGP submitted that the impugned order does not need any interference since the petitioner has failed to establish his tribe claim on the basis of documentary evidence as well as affinity test. He submitted that the petitioner has not filed any document of pre-independence era in support of his tribe claim and the documents submitted by him do not establish his claim for 'Mahadeo Koli', Scheduled Tribe in view of inconsistent entries in the documents. He also

submitted that the petitioner has failed in proving his affinity with 'Mahadeo Koli', Scheduled Tribe and thus, the Scrutiny Committee has rightly invalidated his tribe claim.

6. Shri Natu, learned counsel for respondent Nos.4 and 5, also supported the impugned order by adopting the arguments of the learned AGP and prayed for dismissal of this petition.

7. We have considered the rival submissions of the parties and perused the documents on record.

8. In support of his tribe claim, the petitioner had filed four documents, apart from his own tribe certificate, before the Scrutiny Committee, which are as follows :-

(a) Photocopy of school leaving certificate dated 18.6.1980 issued by the Headmaster, Z.P. School, Yellori, District Osmanabad, showing the caste as 'Hindu Mahadev Koli' and the date of admission as 03.07.1975.

(b) True copy of school leaving certificate and copy of admission extract issued by the Headmaster, Z.P. School, Yellori, District Osmanabad dated 16.05.2000 showing the caste as 'Hindu Koli'.

(c) Copy of admission extract issued by the Headmaster, Zilla Parishad Primary School, Yeolori/ Yeoloriwadi, Taluka Ausa, District Latur dated 20.08.2003 wherein, in front of the name of the petitioner, the caste is shown as 'Hindu Koli Mahadev' and the date of admission as '01.06.1969'.

(d) Copy of admission extract issued by the Headmaster, Zilla Parishad Primary School, Yeolori/ Yeoloriwadi, Taluka Ausa, District Latur, dated 20.08.2003 of the petitioner's brother (Kumar Sarje Fulchand Motiram) showing his caste as 'Hindu Koli' and the date of admission as '22.06.1962'.

9. The petitioner had submitted these documents in support of his tribe claim along with the tribe certificates issued by the Tahasildar and the Sarpanch. It is pertinent to note that all these documents are post presidential order with respect to Scheduled Tribe. It is also to be noted that the name of tribe mentioned in these documents is also not consistent. The petitioner has not produced any document of his forefathers

either in the nature of revenue record or school record of pre-independence era showing their caste/ tribe as 'Mahadev Koli'. It is thus clear that the petitioner has failed to establish his claim on the basis of documentary evidence.

10. Although in a given case, the tribe claim can be decided on the basis of post independence era documents in absence of any pre-independence era documents, however, in that case, the candidate has to establish on the strength of documents that the same caste/ tribe is reflected in all such documents. In that situation, the candidate can establish his claim on the basis of post independence era documents supported by successfully proving affinity with the caste/ tribe claimed.

11. In the instant case, the petitioner has even failed in affinity test as observed in the vigilance enquiry report. So also, there is specific remark in the vigilance enquiry report that the word 'Mahadev' is scratched in the caste column in the admission extract issued by the Headmaster, Zilla Parishad Primary School. In any case, in absence of any documentary evidence of probative value, the petitioner has failed to establish his tribe claim.

12. Even during the course of argument, the learned counsel for the petitioner has failed to point out any other document of pre-independence era or any other validity certificate in favour of any paternal side relative of the petitioner. There is no other material on record to establish that the petitioner's claim must be validated on account of affinity.

13. In the light of the above circumstances, we are of the considered view that the petitioner has failed to establish his tribe claim. The impugned order passed by the Scrutiny Committee is based on material available before it. The impugned order, therefore, does not deserve any indulgence under Article 226 of the Constitution of India. The instant Writ Petition is, therefore, dismissed.

14. Rule is discharged.