

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 5244 OF 2022

Kailash Lalchand Shirsath
Age: 56 years, Occu: Service,
R/o: Mudawade, Tq. Shindkheda,
Dist. Dhule,
Presently residing at
Sant Dnyaneshwar Nagar,
Near Kamgar Hospital,
Wagle Estate, Thane - 4
....Petitioner

VERSUS

1. Scheduled Tribe Certificate Scrutiny Commissioner
Through Its Member Secretary

2. Thane Municipal Transport,
Undertaking, Administrative,
Building Wagle Depot,
Wagle East, Thane
Dist Thane - 400604
Through its Transport Administrator
.....Respondents

.....
Mr. Yeramwar Sushant C., Advocate for the Petitioner
Mr. A. R. Kale, Addl. GP for Respondent No.1 - State
Mr. S. G. Joshi, Advocate for Respondent No.2
.....

CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.
DATE : 21.08.2025

PER COURT :

1. In this Writ Petition under Article 226 of the Constitution of India, the challenge is to the order dated 19/04/2022, passed by Respondent - Committee, invalidating the claim of the Petitioner towards '*Tokre Koli*' Scheduled Tribe.

2. It is submitted by the learned Advocate for the Petitioner that, the Petitioner relied on two validaties from the blood relations. Since the branch of the Petitioner's family was not shown in those two validaties inquiry or file, the Respondent - Committee has passed the impugned order invalidating the Petitioner's tribe claim. He submits that, the tribe claim towards the same tribe of the Petitioner's niece by name Dakshata Sanjay Shirsath was invalidated by the Respondent - Committee on the very same ground by the order dated 18/08/2023 and the same was challenged before this Court in Writ Petition No.11489/2023, which came to be allowed vide order dated 05/01/2024. He submits that, an identical order of remand to the Respondent - Committee be passed in the present Writ Petition.

3. The learned Addl. GP appearing for Respondent - Committee does not dispute that, this Court in the above-referred Writ Petition has remanded the matter to the Scrutiny Committee for reconsideration. He submits that, appropriate orders can be passed in this Writ Petition.

4. The learned Advocate for Respondent - Management submits that, appropriate orders be passed in the matter.

5. We have perused the copy of the order dated 05/01/2024 passed by this Court in the above-referred Writ Petition. This Court in the said matter, which according to the Petitioner is of his niece, has remanded the matter to the Respondent - Committee for fresh consideration. Since the grounds on which the Respondent - Committee has been invalidated the tribe claim of the Petitioner and the grounds on which the tribe claim of the Petitioner's niece was rejected are identical, we adopt the same course and proceed to pass the following order :

ORDER

- (I) The Writ Petition is partly allowed.
- (II) The impugned order dated 19/04/2022, passed by Respondent No.1 – Committee, is hereby quashed and set aside.
- (III) The matter is remitted back to the Respondent No.1 – Committee with direction to grant an opportunity to the petitioner to establish his relationship with the validity holder i.e. Aarti Vijaysing Shirsath, so also to lead any further evidence in support of caste claim.
- (IV) The Committee shall be at liberty to refer the matter to Vigilance Cell for specific inquiry as regards to the relationship of the Petitioner with the validity holder i.e. Aarti Vijaysing Shirsath.
- (V) On receipt of the report of the Vigilance Cell, the Committee shall be furnished copy thereof to Petitioner and give him an opportunity to offer his comments on the report.
- (VI) The Committee shall complete the aforesaid exercise as expeditiously as possible, in any case, within a period of six (06) weeks from the date of this order.
- (VII) Writ Petition is accordingly disposed off.

[NEERAJ P. DHOTE, J.]**[R. G. AVACHAT, J.]**

Sameer/August-2025