



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

WRIT PETITION NO.5347 OF 2018

Aruna d/o Laxman Bhotkar **... PETITIONER**

VERSUS

The Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad & ors. **... RESPONDENTS**

.....
Mr. Sagar S. Phatale, Advocate for petitioner
Mrs. V.S. Chaudhari, A.G.P. for State
Mr. C.A. Jadhav, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 30th JULY, 2025

ORDER :

Heard finally with the consent of both the sides.

2. Impugned in the petition is order dated 13/4/2018, passed by the respondent No.1 Scrutiny Committee, invalidating the petitioner's claim towards "Koli Malhar" – Scheduled Tribe. According to the petitioner, her parents are illiterate, and she being a student, could not furnish the

detailed Genealogy before the respondent No.1 Scrutiny Committee. He submits that, the impugned order itself shows that, one cousin-cousin uncle and cousin-cousin brother of the petitioner, are issued validity towards the same tribe on 15/9/2008 and thereafter, this Court, in Writ Petition No.10338/2024, decided on 15/10/2024, Writ Petition No.12767/2023, decided on 17/10/2023, Writ Petition No.12731/2023, decided on 12/10/2023, Writ Petition No.10164/2023, decided on 18/8/2023 and Writ Petition No.12108/2023, decided on 29/9/2023, issued conditional validities to the paternal cousin brothers and paternal cousin uncles of the petitioner. He submits that, in the light of these factual aspects, the petition be allowed by setting aside the impugned order.

3. The petition is opposed by learned A.G.P. She submits that, the Genealogy on which the petitioner is placing reliance in this Writ petition, was not placed before the Committee when her tribe claim was decided. She submits that, the Genealogy submitted in the file of the aforesaid Rajkumar Natthuram Bhotkar is different and does not match

with the Genealogy which the petitioner has placed on record. She submits that, since there is dispute in respect of relations of the petitioner with the persons to whom the conditional validities are granted, the petition may be dismissed.

4. To the above submissions made by learned A.G.P., learned Advocate for the petitioner submits that, Rajkumar Natthuram Bhotkar had given the Genealogy of his branch only and therefore, there is difference in the Genealogy submitted by the petitioner and the said Genealogy.

5. We have perused the papers on record. In the impugned order, the petitioner had relied on several documents. Similarly, the Vigilance Cell has also collected the documents during the enquiry. The tribe claim of the petitioner is rejected on the ground that, there was interpolation in the school record of the cousin-cousin uncle of the petitioner and also on other grounds. However, the fact remains that, this Court in the above referred Writ Petition has granted conditional validities to the petitioners therein. According to the petitioner, they are paternal cousin brothers and paternal cousin uncles of the petitioner. Considering these aspects, we

propose to remand back the matter to the respondent No.1 Scrutiny Committee for fresh consideration and decision, after giving opportunity to the petitioner and take a decision within a stipulated time. Hence the order :

ORDER

- (i) The Writ Petition is partly allowed.
- (ii) The impugned order, passed by the respondent No.1 Scrutiny Committee is quashed and set aside.
- (iii) The petitioner's file in respect of tribe claim is restored on the file of the respondent No.1 Scrutiny Committee, to be decided on its own merits and in accordance with law, after giving appropriate opportunity to the petitioner, within a period of three months from the date of receipt of copy of this order.
- (iv) Writ Petition stands disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

FMPathan/-