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

903 WRIT PETITION NO. 8945 OF 2021

Govind Ashok Ghante

VERSUS

1. The State of Maharashtra, through Secretary, Tribal Development
Department, Mumbai
2. The Scheduled Tribes Caste Scrutiny Committee, Aurangabad

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Mr Deepak D. Choudhari, Advocate for petitioner

Mr S. V. Hange, A.G.P. for respondents/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 14th January, 2025

PER COURT:

1. We have heard both the sides.
2. The petitioner is challenging the judgment and order dated 21/04/2005 passed by respondent No.2/scrutiny committee refusing to validate his 'Koli Mahadev' Scheduled Tribe category certificate.
3. The learned advocate for the petitioner submits that, after the impugned order, the successor committees validated tribe certificates of his near blood relatives Gopal Ramesh Ghante, Omprakash Ramesh Ghante and petitioner's real sister Sulochana

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Ashok Ghante. He also points out the judgment and order passed by this Court in Writ Petition No.1575/2021 dated 29/01/2021 in the matter of Shivhar Dnyandev Ghante, Sachin Dnyandev Ghante and Shrikrushna Dnyandev Ghante, whereby this Court has set aside the similar invalidation and they were held entitled to have a certificate of validity, subject to the final outcome of the matters of the validity holders which the committee has decided to reopen.

4. The learned A.G.P. invited attention of this Court to the order of this Court dated 17/08/2021 wherein a direction was given to the learned A.G.P. to take instructions as to whether invalidation of the petitioner's tribe claim was brought to the notice of the committee which granted validity to his real sister which is none other than Sulochana. He submits that the petitioner has put up a challenge to the impugned judgment and order belatedly and he has not been able to take instructions to make any statement.

5. Though it is a matter of record that the petitioner has put up a challenge to the judgment and order after a lapse of sixteen years, it is also a matter of record that the learned A.G.P. was called upon to take instructions as to if his invalidation was brought to the notice of

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the committee, which granted certificate of validity to his real sister Sulochana.

6. However, it is equally a matter of record that this very argument of petitioner's invalidation being not brought to the notice of the committee which decided the matters including that of Sulochana, was a line of submission before this Court, which decided the matter of Shivhar Dnyandev Ghante and others (supra). The division bench met such arguments with following observations :

“5. It appears that the father of the petitioners and other paternal relatives of the petitioners while obtaining validity certificates had not mentioned invalidation of tribe claim of Govind S/o Ashok. It also appears that in case of Govind S/o Ashok pre-constitutional document i.e. the death extract of the grandfather of Gopal namely Marutirao was not placed before the committee wherein the tribe is recorded as “Koli Mahadev”. The old document will have more probative value. There are other contra entries also on record. It appears that those contra entries were subject matter of consideration. It appears that some of the contra entries referred to by the committee in the present matter were subject matter of consideration while granting validity to Gopal.”

7. It is, thus apparent that, even if the petitioner has put up a challenge to the impugned judgment and order belatedly, this Court had expressly noticed that a pre-constitutional record in the form of death extract of Gopal's grandfather Marutirao, wherein he was

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described as 'Koli Mahadev', was not brought to the notice of the committee while deciding Gopal's claim. In the light of the fact that this Court, inspite of being aware about circumstances under which the petitioner's blood relatives were subsequently granted certificates of validity and held few other blood relatives entitled to derive the benefits of such validity, in our considered view, it being a matter of social status, when these validity holders have been granted certificates of validities by following due process of law, in the light of the decision in the matter of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others**, [AIR 2023 Supreme Court 1657], the petitioner cannot be refused certificate of validity, merely on the ground of delay in challenging his invalidation.

8. The writ petition is allowed partly. The impugned order is quashed and set aside. The committee shall immediately issue the validity certificate to the petitioner of 'Koli Mahadev' Scheduled Tribe category, which validity shall be subject to the final outcome of the matters of validity holders which the committee has decided to reopen.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)