

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

935 WRIT PETITION NO.7502 OF 2022

Aditya Reghunath Koli

.. Petitioner

Versus

Scheduled Tribe Certificate

Scrutiny Committee, Nandurbar

Through Its Member Secretary and Others

.. Respondents

.....

Shri. Vasant S. Bholankar and Shri. Sagar S. Phatale,
Advocate for the Petitioner

Shri. P. K. Lakhotiya, AGP for the Respondent Nos.1 & 2 / State.

.....

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

Dated : JULY 01, 2025

FINAL ORDER :-

. Heard the learned Advocate for the Petitioner and the learned AGP for the Respondent Nos.1 and 2. With consent of both the sides, the Petition is taken up for final hearing.

2. The Petitioner's claim towards 'Tokre Koli' Scheduled Tribe came to be invalidated by Respondent No.1 – Scrutiny Committee by impugned Order dated 19.04.2022.

3. According to the learned Advocate for the Petitioner, the Respondent No.1 – Scrutiny Committee had invalidated the Tribe Claim towards 'Tokre Koli' of the second Cousins of the Petitioner by name Devansh Ramesh Jadhav and Rajnandini Ramesh Jadhav, who approached this Court in Writ Petition No.1069 of 2022 challenging

their invalidation of Tribe Claim by the Committee, which came to be allowed by the Judgment and Order dated 27.01.2022. He submits that there is no dispute in respect of the blood relation between the Petitioner and the said second Cousins of the Petitioner. He submits that, the very material, which was placed before the Committee while considering the Tribe Claim of the second Cousins of the Petitioner, was placed by the Petitioner before the Committee, which invalidated the Petitioner's claim and, therefore, the impugned order needs to be set aside.

4. It is submitted by the learned AGP appearing for Respondent No.1 and 2 that, since there were contra entries in the record of the ancestors of the Petitioner, Respondent No.1 – Scrutiny Committee has rightly rejected the Tribe Claim of the Petitioner. However, he does not dispute that this Court in the above referred Writ Petition has quashed and set aside the orders of Respondent No.1 – Scrutiny Committee which had invalidated the claim of the Second Cousins of the Petitioner.

5. Heard both the sides. Perused the papers on record.

6. The Petitioner had submitted genealogy to the Respondent No.1 – Scrutiny Committee, wherein the names of Devansh Ramesh Jadhav and Rajnandini Ramesh Jadhav are shown as the blood relatives of the Petitioner. Copy of the genealogy made available by the learned AGP,

which was submitted by Devansh Ramesh Jadhav and Rajnandini Ramesh Jadhav before the Respondent No.1 - Scrutiny Committee while their claim was considered, show that they are in blood relation with the Petitioner. From this, it is clear that there is no dispute in respect of the genealogy. Perusal of the order dated 27.01.2022 in Writ Petition No.1069 of 2022 shows that this Court had considered the relevant record and observed thus:

“8. It would also appear that before issuing validity to the father of the petitioners, the vigilance was conducted. In the vigilance report the contra entries in respect of school record of paternal cousins are referred to. In the school record of the year 1935 of father of petitioners, namely, Nina Jadhav, his caste is recorded as ‘Koli’. In the school record of the year 1953 of uncle of petitioners, namely, Ananda Baliram, his caste is recorded as ‘Koli’ and in the school record of the year 1928 of uncle of petitioners, namely, Shankar, his caste is recorded as ‘Koli’ and the same were considered by the Committee while issuing validity to the father of the petitioners. Even there were entries of ‘Tokre Koli’. In the present case, additional entry of the year 1910 in the name of paternal ancestor of the petitioners is also placed on record. The said entry is in Modi/Urdu script. The Vigilance Committee verified the same from the person having knowledge of Urdu. His report is filed on record. In the said report the caste is mentioned as ‘Koli Tokre’. The Committee has not disputed the relationship of the petitioners with said person.

9. In view of aforesaid facts and judgment of this Court in the case of Sunil Baliram Jadhav dated 15th January, 2004 in Writ Petition No.2604 of 2003, and validity of the petitioners’ father after considering the contra evidence on record, we pass the following order.

ORDER

- (i) The writ petition is allowed. The impugned Judgment is quashed and set aside.*
- (ii) The Committee shall issue validity certificates to the petitioners of ‘Tokre Koli’, Scheduled Tribe immediately.”*

7. Perusal of the impugned Order passed by the Respondent No.1 – Scrutiny Committee shows that the very entries which were considered by this Court in the above referred Writ Petition, were before the Committee. It further shows that, the validities of the Second Cousins namely Devansh Ramesh Jadhav and Rajnandini Ramesh Jadhav were also before the Respondent No.1 – Scrutiny Committee. When on the very same material, this Court by the order dated 27.01.2022 had allowed Writ Petition No.1069 of 2022 directing the Committee to issue validity certificates to Devansh Ramesh Jadhav and Rajnandini Ramesh Jadhav, the only recourse left open is to allow the present Writ Petition directing the Respondent No.2 – Scrutiny Committee to issue validity Certificate to the present Petitioner. Hence, we proceed to pass the following order.

ORDER

- (i) The Writ Petition is allowed.
- (ii) The impugned order dated 19.04.2022 passed by Respondent No.1 – Scrutiny Committee is quashed and set aside.
- (iii) Respondent No.2 – Scrutiny Committee shall issue validity Certificate to the Petitioner for **‘Tokre Koli’** Scheduled Tribe within a period of four (4) weeks from the date of receipt of this Order.
- (iv) The Petition stands disposed off accordingly.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP

Signed by: Gajanan G. Punde

Designation: PA To Honourable Judge

Date: 02/07/2025 19:01:55