



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4385 OF 2005
WITH
CIVIL APPLICATION NO. 7221 OF 2024

Dnyaneshwar s/o Sonerao Chittampale ... **Petitioner**
Age-Adult, Occu: Nil
R/o Talegaon Bori, Tq. & Dist. Latur

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Welfare Department,
Mantralaya, Mumbai
2. The Committee for Scrutiny and ... **Respondents**
Verification of Tribe Claims, Aurangabad
Through Its Member Secretary and
Deputy Director (Research)
3. The Collector, Latur
4. The Deputy Collector and Rehabilitation
Officer, Latur
5. The Superintendent of Police, Latur
6. The Principal,
Shri Chhatrapati Shivaji College,
Omerga, Dist. Osmanabad
7. The Joint Director of Higher Education
Padampura, Near Devgiri College,
Railway Station Road, Aurangabad

AND

WRIT PETITION NO. 87 OF 2007

Dnyaneshwar s/o Sonerao Chittampale ... **Petitioner**
Age-Adult, Occu: Nil
R/o Talegaon Bori, Tq. & Dist. Latur

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai
2. The Committee for Scrutiny and ... **Respondents**
Verification of Tribe Claims, Aurangabad
Through Its Member Secretary and
Deputy Director (Research)
3. The Chief Executive Officer,
Zilla Parishad, Latur

Mr. A. S. Bayas, Advocate for the petitioners,
Ms. P. J. Bharad, AGP for Respondent Nos. 1 to 5 & 7/State

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATED : 24.04.2025

JUDGMENT (Per: Y. G. Khobragade, J.)

1. In Writ Petition No. 4385 of 2005, the Petitioner prays for quashing and setting aside the order dated 23.09.2004, passed by the Respondent no. 2 Scheduled Tribes Caste Scrutiny Committee, Aurangabad, thereby invalidating “Koli Mahadev” Scheduled Tribe claim of the petitioner.

2. In Writ Petition No. 87 of 2007, the Petitioner prays for issuance of writ of mandamus directing Respondent Nos. 1 & 3 to issue provisional appointment order as Extension Officer (Panchayat/General Administration) in Latur Zilla Parishad in pursuance of selection letter dated 24.07.2006 subject to the result in Writ Petition No. 4385 of 2005.

3. On 30th June, 2005, Rule was issued in Writ Petition No. 4385 of 2005 and by way of interim relief, the impugned order dated 23.09.2004, passed by Respondent no. 2 has been stayed with directions to consider the claim of the petitioner in accordance with provisions of law and subject to final decision of the petition. Writ Petition. 87 of 2007 is yet to be admitted. Therefore, with consent of both the sides, both the petitions are heard finally, since, fate of the latter petition is dependent on the decision of the former petition.

4. We have considered the submissions of the learned counsel appearing for the respective parties and perused the petition paper books as well as original record of Respondent no. 2 Committee. The learned AGP strongly opposes the petitions.

5. So far as Writ Petition No. 4385 of 2005 is concerned, the Petitioner claims that he belongs to “Koli Mahadev” Scheduled Tribe. In the year 2003, he was selected for appointment in the Police Department against the reserved category of Scheduled Tribe. Therefore, his caste claim was referred for verification to the Respondent no. 2 in the year 2003. The petitioner submitted number of documents in support of his tribe claim including School record of his father of 1956 and other documents pertaining to his grandfather. The Vigilance Cell conducted enquiry and submitted its report on 20.05.2003. As per Vigilance Cell Report, the petitioner has established ethnical linkage and affinity test with “Koli Mahadev” Scheduled tribe. Therefore, there was no necessity to submit reply to the report. However, on 23.09.2004, Respondent no. 2 invalidated his scheduled tribe claim.

6. The learned counsel appearing for the petitioner canvassed that, during the pendency of present petition, tribe claim of Shri Sopan Sonaji Chitampalle, the younger brother of the petitioner, was decided by Respondent no. 2 Scrutiny Committee which granted certificate of validity to him of “Koli Mahadev” Schedule

Tribe. So also, pre-constitutional document, Mortgage Deed and School record of the petitioner's father pertaining to 1956 reflect "Koli Mahadev" Schedule tribe against caste column. The Vigilance Cell Report discloses validity certificate of the petitioner's younger brother Shri Sopan Sonaji Chitampalle. Therefore, impugned order is illegal, bad in law, hence, prayed to quash set aside the same.

7. As per genealogical tree, Shri Limbaji Chittampale had one Son Narayan. Shri Narayan Limbaji Chittampale had two sons namely Shri Sonaji and Vyankat. Shri Sonaji is having three daughters and two Sons namely Anuradha, Bhagirathi, Dyaneshwar (present Petitioner) and Sopan. Shri Vyankat s/o Narayan Chittampale was having two sons namely Dilip and Kumar. Shri Kailash and Kiran are sons of Dilip Vyankat Chittampale. On 02.04.2011, Respondent no. 2 granted validity certificate of "Koli Mahadev" Schedule Tribe to Shri Sopan s/o Sonaji Chittampale, the real younger brother of the petitioner. On 24.11.2008 and 05.06.2010, Respondent no. 2 granted validity certificates of "Koli Mahadev" schedule tribe to Shri Kailash s/o Dilip Chitampalle and Shri Kiran s/o Dilip Chittampale, who are real cousins of the petitioner. The fact of granting validity

certificate of “Koli Mahadev” Schedule tribe in favour of blood relatives of the petitioner is not controverted on behalf of Respondent no. 2.

8. Therefore, taking into consideration the law laid down in cases of *Mah. Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra & Ors.*; AIR 2023 S.C. 1657, *Shweta Balaji Isankar V/s. State of Maharashtra & Ors.*, 2018 SCC Online Bom. 10341, *Apoorva Vinay Nichale-Vs- Divisional Caste Certificate Scrutiny Committee No. 1 and Ors.*, [2010 (6) Mh. L. J. 401, wherein it has been concluded that, when the biological father, biological siblings, biological uncle etc., are granted validity certificates, a candidate so related to them, cannot be deprived of a validity certificate, the present petitioner is entitled to have a certificate of validity.

09. In view of above discussion, writ petition no.4385 of 2005 deserves to be allowed and impugned order dated 23.09.2004 passed by Respondent no. 2 needs to be quashed and set aside.

10. In regard to Writ Petition No. 87 of 2007, the petitioner joined service with the Police Department in the year 2003 against the seat reserved for Scheduled Tribe category. Thereafter his caste claim was referred for scrutiny to the Scrutiny Committee in the year 2003. However, his caste claim was invalidated by the Scrutiny Committee on 23.09.2004. Therefore, he has filed Writ Petition 4385 of 2005 and during pendency of said petition, he got selected to the post of Extension Officer with Zilla Parishad Latur but no appointment order was issued in his favour. Therefore, he has filed present petition and prayed for issuance of writ of mandamus directing Respondent Nos. 1 & 3 to issue him provisional appointment order as Extension Officer (Panchayat/General Administration) in Latur Zilla Parishad in pursuance of selection letter dated 24.07.2006 and subject to result of Writ Petition No. 4385 of 2005. Since, we have concluded that, the order of invalidation dated 23.09.2004, passed by Respondent no. 2 Committee is liable to set aside, consequently, writ petition no. 87 of 2007 deserves to be allowed. Accordingly, we proceed to pass the following order:

::ORDER::

- (i) Writ Petition Nos. 4385 of 2005 and 87 of 2007 are hereby allowed.
- (ii) The impugned order dated 23.09.2004 passed by the Respondent no. 2 Committee which is under challenge in writ petition 4385 of 2005 is hereby quash and set aside.
- (iii) The Respondent No. 2/Committee shall immediately issue Tribe validity certificate in favour of the petitioner as belonging to “Koli Mahadev” Schedule Tribe, which shall be co-terminous with the validities which the Respondent committee has decided to re-open.
- iv) Civil Application No. 7221 of 2024 stand disposed off.
- v) Respondent no. 3 in writ petition no. 87 of 2007 is hereby directed to issue appointment order in favour of the petitioner pursuant to his selection for the post of Extension Officer (Panchayat/General Administration) as early as possible.
- Vi) Rule is made absolute accordingly. No order as to cost.

(Y. G. KHOBRAGADE, J.)

(MANGESH S. PATIL, J.)

JPChavan