



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

WRIT PETITION NO.8268 OF 2023

Rajendra S/o Damodhar Lawande.

Age: 53 years, Occu. Service,
R/o. Infront of Rahuri College,
Rahuri (Bk.), Taluka Rahuri,
District Ahmednagar

....PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. Scheduled Tribes Certificate,
Scrutiny Committee
Nashik Division, Nashik-2,
Through its Member Secretary,
3. The Superintendent of Police,
Ahmednagar, District Ahmednagar.

....RESPONDENTS

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Mr. E. S. Murge, Advocate for Petitioner
Mr. M. K. Goyanka, A.G.P for Respondent Nos. 1 to 3

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**WITH
WRIT PETITION NO.9100 OF 2023**

Akshada D/o Pandharinath Lawande,
Age: 36 years, Occu. Service,
R/o. Athavan Niwad, Wamanbhau
Nagar, Pathardi, Taluka Pathardi,
District Ahmednagar

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Department of Tribal Development,
Mantralaya, Mumbai-32.
2. Scheduled Tribes Certificate,
Scrutiny Committee,
Nashik Division, Nashik-2,
Through its Member Secretary,
3. Shri Bhagwan Pratishan
“Nagin Niwas”, Nathnagar,
Pathardi, Taluka Pathardi,
District Ahmednagar

....RESPONDENTS

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Mr. E. S. Murge, Advocate for Petitioner

Mr. M. K. Goyanka, A.G.P for Respondent Nos. 1 & 2

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

DATE : 11.03.2025

JUDGMENT (Per:- Y. G. KHOBRAGADE, J.)

1. Rule. Rule made returnable forthwith and with consent of both sides, heard finally at the admission stage.

2. In both petitions, the petitioners have invoked the inherent jurisdiction of this Court under Article 226 of the Constitution of India and challenged the order dated 23.06.2023 passed by Respondent No. 2, the Scrutiny Committee, thereby invalidated their tribe claim of '*Koli Mahadev*.'

3. The facts leading to both petitions are that the petitioners are cousins. According to the genealogical tree, Balabhau Lawande had two sons namely Maruti and Bapu. Shankar and Pandurang are sons of Maruti. Narayan and Vithoba are real brothers and sons of Bapu Lawande. Kondiba is son of Narayan. Shri Damodhar and Eknath are grandsons of Narayan. Tukaram and Somnath are great grandsons of Vithoba. Mahesh Bhaskar Lawande is great grandson of Shri Pandurang Maruti Lawande, Shri Kiran Hansraj Lawande and Mahesh Bhaskarrao Lawande are great grandsons of Shri Pandurang Lawande. Whereas Ms. Shruti Satish Lawande great granddaughter of Shankar Maruti Lawande. Shri Somnath Machhindra Lawande is great grandson of Vithoba Bapu Lawande. In school leaving certificate of Maruti Bhaurao Lawande date of birth is shown as 25.01.1947 and his caste is shown as '*Hindu Mahadev Koli*'.

4. It is not in dispute that on 23.10.2024, this Court (Mangesh S. Patil & Shailesh P. Brahme, JJ.) passed an order in Writ Petition No. 11754 of 2024, in the matter of Ms. Shruti d/o Satish Lawande, and directed Respondent No. 2, the Caste Scrutiny Committee, to issue tribe validity certificate recognizing her as

belonging to the '*Koli Mahadev*' Scheduled Tribe. The petitioners in both these petitions are distant cousins of Shruti, daughter of Satish Lawande, whose caste has been validated as '*Koli Mahadev*,' Scheduled Tribe.

5. Needless to say, the distant cousins of the petitioners i.e., Mahesh Bhaskarrao Lawande, Kiran Hansraj Lawande and Somnath Machhindra Lawande have been granted caste validity certificates by following due process of law. Even the old school record entry of Maruti Bhaurao Lawande pertaining to the year 1957 was verified, leading to issuance of caste validity certificate in favour of Mahesh Lawande. Therefore, taking into consideration the law laid down in the cases of- *(i) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others; AIR 2023 Supreme Court 1657;* *(ii) Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee, 2011(2) Bom. C.R.824 and;* *(iii) Shweta Balaji Isankar Vs. State of Maharashtra and Others (writ petition No.6320 of 2017)*, when the caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that is being claimed by the applicant, the Scrutiny Committee may grant such certificate without calling for vigilance cell report.

However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the committee may refuse to follow and may refuse to grant certificate to the applicant before it.

6. In the case in hand, Shri Somnath Machhindra Lawande and Shruti, daughter of Satish Lawande, have already been granted a '*Koli Mahadev*' tribe validity certificate by this Court. Considering the ratio laid down in the above cited cases as well as the entries made in pre-independence documents i.e., school admission and extract registers pertaining to Janardhan Damodhar Lawande and Ashok Laxman Lawande, wherein their caste is mentioned as '*Koli Mahadev*,' which is recognized as Scheduled Tribe, it is clear that there was absolutely no necessity for Respondent No. 2 to invalidate caste claim of the petitioners. Consequently, the impugned orders of Respondent No. 2, the Scrutiny Committee, are illegal and illogical and deserve to be quashed and set aside.

7. In view of the above discussion, we are inclined to allow the present petitions and proceed to pass the following order:

:: ORDER ::

- (i) The writ petition Nos. 8268 of 2023 and 9100 of 2023 are hereby partly allowed.
- (ii) It is hereby declared that the petitioners belong to '*Koli Mahadev*' scheduled tribe.
- (iii) The impugned orders passed by respondent No.2, scheduled tribes certificate scrutiny committee, Nashik Division are hereby quashed and set aside.
- (iv) Respondent No.2, scheduled tribes certificate scrutiny committee, Nashik is hereby directed to issue validity certificate in favour of the petitioners within a period of six weeks from the receipt of the copy of this order.
- (v) The said validity shall be subject to the finality of the matters which the committee has decided to re-open in respect of validity holders.
- (vi) Rule is made absolute in above terms.

[Y. G. KHOBRADE J.]

[MANGESH S. PATIL, J.]