



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

**WRIT PETITION NO.654 OF 2023**

Sunil s/o Chitrasen Ridde,  
Age : 28 years, Occupation : Education,  
R/o Choramba, Tq. Dharur, Dist. Beed.

...PETITIONER

-VERSUS-

Scheduled Tribe Certificate Scrutiny  
Committee, Aurangabad.  
Through its Member Secretary.

...RESPONDENT

...

Shri Sagar S. Phatale, Advocate for the Petitioner.  
Shri V.M. Kagne, AGP for the sole Respondent.

...

**CORAM : MANGESH S. PATIL  
&  
PRAFULLA S. KHUBALKAR, JJ.**

**DATE : 17<sup>th</sup> January, 2025**

**JUDGMENT (Per Prafulla S. Khubalkar, J.) :-**

Heard.

2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3. The petitioner has challenged the order dated

16.08.2019 passed by the respondent Scrutiny Committee invalidating the petitioner's claim for 'Koli Mahadev', Scheduled Tribe.

4. By the impugned order, the Scrutiny Committee has observed that the petitioner has failed to establish his claim on the basis of documentary evidence as well as failed to prove affinity with Koli Mahadev tribe. The Scrutiny Committee has although referred to number of documents relied upon by the petitioner, however, it has concluded that the documents although mentioned tribe as 'Koli Mahadev', but those cannot be conclusively relied upon in view of residence of the petitioner's family being not from scheduled area. Even with respect to the validity certificates relied upon by the petitioner, it is observed that since few documents mentioning the caste/ tribe as 'Hindu Mahadev Koli' were not considered while granting validities, the petitioner cannot take any benefit from the same. The Scrutiny Committee has generally observed about failure of affinity by mentioning that the customs and traditions narrated by the petitioner, did not match with the tribe of 'Koli Mahadev'.

5. The learned advocate Shri Sagar Phatale for the

petitioner has strenuously argued that the petitioner's claim ought to have been validated in view of the validity certificate in favour of the petitioner's cousin brother Bansi Shamrao Ridde. It is submitted that after following due procedure, on the basis of vigilance cell report and considering documentary evidence, the claim of Bansi was validated and the validity certificate dated 18.11.2008 was issued to him by the Scrutiny Committee.

6. Advocate Shri V.M. Kagne, the learned AGP for the sole respondent Scrutiny Committee, opposed the petition and submitted that the validity of Bansi Shamrao Ridde appears to have been granted without considering few documents of their family members which mentioned the caste as 'Hindu Mahadev Koli'. It is submitted that the petitioner's claim cannot be conclusively decided on the basis of the validity of Bansi and the same needs to be independently decided.

7. It is to be noted that relationship of Bansi with the petitioner is not disputed being his first cousin, as observed in the impugned order. It is also pertinent to note that the validity was granted to Bansi by following detailed procedure and on the basis of vigilance cell report and by a reasoned order. In view of

the authoritative pronouncement in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti vs. The State of Maharashtra and others, AIR 2023 SC 1657***, the main area of scrutiny is whether, the validity was granted to the blood relative after following due procedure. In the case in hand, since Bansi was granted validity after following due procedure and on the basis of vigilance cell enquiry, the petitioner is entitled to derive its benefit.

8. In the light of the above circumstances and in view of the settled position of law as laid down in ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti (supra)*** and ***Apoorva d/o Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 Nagpur, [2010(6) Mh.L.J.401 : AIR 2010(6) Bom.R.21]***, the petitioner's claim also needs to be validated and his validity shall be co-terminus with the validity of Bansi. Hence, the following order:-

- (a) The Writ Petition is partly allowed.
- (b) The impugned order dated 16.08.2019 passed by the respondent Scrutiny Committee is quashed and set aside.
- (c) The respondent Scrutiny Committee is directed to

immediately issue validity certificate of 'Koli Mahadev', Scheduled Tribe, in favour of the petitioner.

(d) The validity certificate to be issued to the petitioner, shall be subject to the final outcome of the matters of validity holders, which the Scrutiny Committee has decided to reopen.

(e) The petitioner shall not be entitled to claim equities.

(f) No order as to costs.

9. Rule is made absolute in the above terms.

*kps*

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