



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO. 10982 OF 2025

SRUSTI VITTHAL BOINWAD

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND ANOTHER

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Advocate for the Petitioner : Mr. Solanke Shrikrashna B.

AGP for Respondent/State : Mr.PK. Lakhotiya

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CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.

DATE : 18.09.2025

PER COURT :

. The petitioner claims to have belonged to 'Koli Mahadev' Scheduled Tribe. Her tribe certificate was subjected to scrutiny. The Respondent/Scrutiny Committee refused to grant validity certificate. Petitioner, is therefore, before us.

2. Learned Advocate for the petitioner relies on extract from Index-II register maintained by the office of the Collectorate. The entry is of registry of deed of mortgage executed way back in 1356 Fasli (1946 A.D). Petitioner's great grandfather- Laxman Sadhu Boinwad was the Privy of the said mortgage deed. In the Index-II register of the said mortgage deed, the caste of the great grandfather has been recorded as 'Koli Mahadev'. Whereas in the subsequent record, the petitioner's forefathers are shown to have belonged to 'Koli' Community. According to Learned Counsel for the petitioner,

the said authorities admitted to have had issued the petitioner, a certified copy of Index-II register. He adverted our attention to the communication made in that regard. According to him, when the oldest entry of the year 1946 which pertains to pre-constitutional era, carries strongest presumptive value, the subsequent contra entries will be of no consequence, to determine the petitioner's tribe claim. The petitioner, therefore, urged for allowing of the Writ Petition.

3. The learned A.G.P on the other hand, would submit that, record indicates that an application for certified copy was made on 13.06.2011. However, the receipt of acknowledging the receipt of copying charges is dated as 28.06.2011. According to him, had this record been genuine, the receipt should have been issued on the same date, when the application was received for certified copy. He also brought to our notice paragraph No.10 of the impugned order wherein there is a reference to the consistent entries indicating the petitioner's forefathers and even father as well to have been shown as belonging to 'Koli' community (Special Backward Class). According to him, the voluminous subsequent records would necessarily eclipse the entry of the year 1356 Fasli (1946 A.D.). Had the said entry been genuine, the petitioner's forefather would have been vigilant to get rectified the subsequent school entry, with a view to ensure that they are shown to have belonged to 'Koli Mahadev', Scheduled Tribe. According to the learned A.G.P, a single entry as against voluminous records would be of no evidentiary value in the factual matrix of this case. He has referred to the reasons given by the Respondent/

Scrutiny Committee, in support of the order impugned herein.

4. We have considered the submissions advanced and perused the order impugned therein. It is true that almost all the records indicate the petitioner's father and his predecessors-in-interest to have belonged to 'Koli Mahadev' Tribe. The fact, is however, that, there is a certified copy of Index-II register maintained in the office of District Collector. The same is in Urdu script. Although, there is some record to indicate that an application for certified copy was received on 13.06.2011 and receipt acknowledging the receipt of copying charges is dated 28.06.2011, it is for those authorities who would explain such anomaly. The fact remain that correspondence placed on record indicate that office of the District Collector to have admitted issuance of a certified copy of the Index-II register. A translation of the said entry is also placed on record. There is no dispute about the translation. The translated entry indicates that in the year 1356 Fasli (1946 A.D.), the document of mortgage deed was registered. The petitioner's great grandfather was a Privy/Executor of the said document. In the Index-II register his Caste/Tribe has been shown as 'Koli Mahadev'. Those were the days when the persons would not have an occasion to raise a false claim, since, there was no reservation policy. Those were preconstitutional days. Thus, single entry, in our view, would override or prevail over the subsequent contra entries. It is not necessary for proof of fact, that any particular number of witnesses or documents are required to be adduced in evidence. Section 134 of The Indian Evidence Act, 1872 could be

resorted to in that regard. Since the oldest document i.e of 1946 indicate the petitioner's great grandfather to have belonged to 'Koli Mahadev'(Scheduled Tribe), the Respondent/Scrutiny Committee should have relied on the said document and granted the petitioner, a validity certificate. Since, the same has not been done in this case, an interference with the order impugned herein is called for.

5. In the result, the petition succeeds in terms of the following order :

ORDER

- A) The Writ Petition is allowed.
- B) The impugned order dated 20.08.2025 passed by the Respondent No.2/Scrutiny Committee is quashed and set-aside.
- C) The Respondent No.2/Scrutiny Committee is directed to issue to the petitioner the validity certificate as belonging to 'Koli Mahadev' Scheduled Tribe, forthwith.
- D) The petitioner shall not claim any equity.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)

vsj..