



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

918 WRIT PETITION NO. 11379 OF 2025

Aishwarya Dattatraya Kunjatwad

VERSUS

The State Of Maharashtra Through Its Secretary And Another

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Advocate for the Petitioner : Mr. Vivekanand U Jadhav

AGP for Respondents-State: Mr. A.A.A.Khan

...

**CORAM : R. G. AVACHAT &
ABASAHEB D. SHINDE, JJ.**

Dated : SEPTEMBER 25, 2025

ORAL ORDER : - (Per R. G. AVACHAT, J.)

1. Heard.

2. The petitioner claims to have belonged to 'Koli Mahadev', Scheduled Tribe. His Tribe Certificate was subjected to scrutiny, and the respondent No.2 - Caste Scrutiny Committee declined to validate the certificate. The petitioner is, therefore, before this Court.

3. Before the Scrutiny Committee, the petitioner relied on the Khasra Patrak and an entry in the birth register pertaining to his great-grandfather. The original file indicates that the extract of the birth register was very much available before the Scrutiny Committee, however, the Committee did not advert to the said material while appreciating the petitioner's claim.

4. So far as records Khasra entries concerned, the Scrutiny Committee found the said entries to be under a cloud of doubt. The petitioner did not satisfy the affinity test. Moreover, there is a contra entry relating to the petitioner pertaining to the year 2009. For all these reasons, the Scrutiny Committee turned down the petitioner's claim.

5. Before us as well, the very same grounds have been put forth by the learned AGP. He urged for remitting the matter back to Committee for verification of the document, which had remained to be appreciated to.

6. We have considered the submissions advanced, perused the impugned order, and also gone through the documents relied on. The first document is in the nature of a Khasra Patrak entry. It pertains to the year 1951-1952 and is the oldest entry. In the Khasra Patrak, the great-grandfather of the petitioner is shown therein to have belonged to 'Koli Mahadev'. According to the learned AGP, these words might have been introduced later on and are even faint as well. He would further submit that, so far as regards other entries

relied on by the petitioner, no caste or tribe of the other holders has been mentioned therein.

7. The submissions may, at first glance, appear to be scintillating. It is a revenue record, and the certificate was issued by the Tahsildar in charge of the records. There is nothing to suggest who made alleged interpolation. On perusal, we do not find any reason to suspect the genuineness thereof. It is the Revenue Officer who made those entries, must be well within a knowledge as to why caste or tribe of other land holders has not been recorded in Khasra Patrak. This document, being more than 30 years old, coming from proper custody (Revenue Officer), and, moreover, in view of the presumption that official acts have been performed in the due course of business, we find the Scrutiny Committee ought to have relied on the said entry. If the Scrutiny Committee has really a reasonable doubt regarding the same, it could have summoned the revenue authorities to verify the correctness thereof. The said exercise has not been done.

8. So far as regards the entry in the birth register is concerned, the same is a public document coming from proper custody. It

pertains to the year 1936 (Fasli 1346). In the said entry, the great-grandfather of the petitioner is shown to have belonged to 'Koli Mahadev'. At first glance, we do not find the word "Mahadev" to have been introduced later on. Although these documents were available before the Scrutiny Committee, to the reasons best known to it, it has not been referred to, to appreciate the claim of the petitioner.

9. Moreover, the school record of the petitioner's father for the year 1985 discloses him to have belonged to 'Koli Mahadev'. The same is the status of subsequent record, except the petitioner's uncle's school record for the year 2009, wherein he is shown to have belonged to 'Koli'. The same is subsequent to the records which indicate the petitioner and his forefathers to have belonged to 'Koli Mahadev', Scheduled Tribe.

10. As such, in our view, there was ample and convincing material before the Scrutiny Committee, which should have been acted upon for granting the petitioner a validity certificate. Only on the flimsy ground of the entry being found to be suspicious, the Committee did

not take any pains to go deeper to verify the genuineness of the said entry. While the very material is seen by us, we do not see any reason to doubt its genuineness.

11. For all the above reasons, the writ petition deserves to be allowed.

ORDER

1. The writ petition is allowed.
2. Respondent No. 2 - Caste Scrutiny Committee is directed to grant the petitioner caste validity certificate confirming his claim of belonging to 'Koli Mahadev', a Scheduled Tribe, within six weeks from the date of receipt of this order.

(ABASAHEB D. SHINDE, J.)

(R. G. AVACHAT, J.)

vj gawade/-.