



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 WRIT PETITION NO. 12899 OF 2017

Sunil Gopichand Koli,
Age 45 years, Occ. Service,
R/o. At post House No. 3209/5/2
Mayur Niwas, Jamner Tq. Jamner,
Dist. Jalgaon.

... Petitioner

VERSUS

- 1) The State of Maharashtra,
Through its Secretary
Tribal Development, Mantralaya
Mumbai.
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar,
Division Nashik.
- 3) District Social Welfare Officer,
Jalgaon, Dist. Jalgaon.

... Respondents

...
Advocate for the Petitioner : Mr. Bayas Anandsingh
AGP for Respondents : Mr. V.M. Kagne

...
CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.
DATE : 21.02.2025

PER COURT :

Leave granted to delete respondent no. 4. The amendment is to be carried out forthwith.

2. Rule. Rule is made returnable forthwith. The learned A.G.P. waives service for all the respondents.

3. With consent of both the sides, we have heard them finally at the stage of admission.

4. The petitioner is challenging the judgment and order of respondent no. 2-scrutiny committee in a proceeding under Section 6 and 7 of the

Maharashtra Act XXIII of 2001, dated 04.09.2017, whereby the committee has refused to validate his *'Tokre Koli'* scheduled tribe certificate.

5. The learned advocate for the petitioner submits that the impugned order is a common order in the matter of the petitioner and his son Mayur. Mayur had taken exception to the self-same order in Writ Petition No. 12898/2017. By the order of this Court dated 18.06.2024, the judgment and order under challenge was quashed and set aside to his extent and the matter was remanded to the scrutiny committee for fresh adjudication, in light of the additional documents produced after the impugned order was passed.

6. The learned advocate for the petitioner submits that subsequently the committee undertook a fresh scrutiny and by the judgment and order dated 15.10.2024 has validated Mayur's *'Tokre Koli'* scheduled tribe certificate. He places on record a certified copy of the judgment of the scrutiny committee in Mayur's matter.

7. The learned A.G.P. submits that if Mayur's claim has been subsequently validated by the scrutiny committee, since it is a matter of social status and since the impugned judgment and order is a common order in the matter of petitioner and his son Mayur, when the committee has subsequently validated Mayur's tribe certificate, the petitioner cannot be treated differently.

8. The writ petition is allowed.

9. The impugned order is quashed and set aside even to the extent of the petitioner. He is declared to be belonging to *'Tokre Koli'* scheduled tribe. The respondent-committee shall issue a certificate of validity to him immediately.

10. The writ petition is disposed of by making the rule absolute.

(PRAFULLA S. KHUBALKAR J.)

(MANGESH S. PATIL, J.)

mkd/-