



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

37 WRIT PETITION NO. 12148 OF 2025

1. Jayesh s/o Subhash Koli,
2. Monali d/o Subhash Koli.

VERSUS

1. The State Of Maharashtra,
2. The scheduled Tribe Certificate Scrutiny Committee.

...
Advocate for the Petitioner :Mr. Sagar Phatale h/f Mr. Yeramwar Sushant C.

AGP for Respondents-State: Ms. D. S. Jape

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

Dated : OCTOBER 06, 2025

PER COURT : -

1. Heard.

2. The petitioners claim to have belonged to 'Tokre Koli', Scheduled Tribe. Their tribe certificates were subjected to the scrutiny. Respondent No.2-Committee vide order impugned herein invalidated their tribe certificates. The petitioners are therefore before us.

3. On hearing the learned Advocate for the petitioner and the learned AGP for the respondents, it has been revealed that the petitioner's cousin uncle (blood relation) has been granted unconditional validity certificate by this Court vide order dated 11/03/2025 passed in Writ Petition No.3392 of 2015. The record

indicates that the Respondent No.2-Committee did not dispute the relationship between the said validity holder and the petitioners. This Court while granting the validity to the petitioner therein had considered oldest record of 1936 and other record as well.

4. Learned AGP submits that Respondent No.2.-Committee found the entries relied on by the petitioners herein have been manipulated. Admittedly those entries were very much there before the High Court. Respondent No.2-Committee proposed to file for review of the order granting validity. As the validity of the petitioner's blood relation hold the field, we have no option but to grant the petitioner same relief.

5. The learned AGP would submit that the oldest entries (pre-Constitutional) have been found to be suspicious and doubtful. She adverted our attention to the certified copies of those entries to submit claimed to have been made in one go. She would further submit that in the case of Ravindra Savale, the genealogy given by him is altogether different. The common ancestor shown by Ravindra in his case is 'Murari', while in the case of the petitioner, the common ancestor is 'Dodhu'. As such, the petitioners, only with a view to take

benefit of the validity granted to Ravindra, are relying on altogether a different genealogy wherein they do not fit in.

6. It was also submitted that in some of the entries, the petitioners are shown as 'Tokre Koli', while the first entry pertains to 'Dhor Koli'. Relying on the judgment in the case of ***State of Maharashtra vs. Milind and others, (2001) 1 Supreme Court Cases 4***, it was submitted that although both, namely 'Tokre Koli' and 'Dhor Koli', are Scheduled Tribes, they are different from each other. The petitioner herein claims to have belonged to 'Tokre Koli', therefore, he could not be heard to say to have belonged to 'Dhor Koli'.

7. We have considered the submissions advanced and also gone through the entire record. It is true that Ravindra, on whose validity the petitioners rely, had given a genealogy wherein 'Murari' is shown to be the common ancestor, whereas in the genealogy given by the petitioners, 'Dodhu' is the common ancestor. Ravindra has now placed on record an affidavit claiming relationship with the present petitioners. Considering the said affidavit to be an afterthought, we do not propose to place reliance thereon.

8. The fact, however, remains that in both the genealogies (pages 28 and 32), which were before the Scrutiny Committee, if we go down the line Tanaji, Omkar, Ramdas, and so forth we find the petitioners from the said family. We have also perused the entries for the years 1916, 1922, and onwards, relied on by the petitioners. In the 1916 entry, the word 'Tokre Koli' is appearing. The Committee has also referred to the other entries from the period March 1921 to 1943. In all those entries, the forefathers of the petitioners are shown to have belonged to 'Tokre Koli'. The Committee simply brushed aside those entries, observing them to have been rewritten and therefore doubtful.

9. If so was the view of the Committee, it should have got the same verified from a handwriting expert or other aids. While we perused those entries, we are not in agreement with the findings recorded by the Scrutiny Committee. We do not find the entries either to have been made later on or in one go. These were records in the custody of the public authorities, dating back to the years 1916 to 1943. The petitioners before us have no reason to forge, as alleged, those entries. At the cost of repetition, it is observed that we

do not find the entries referred to in paragraph No. 1 of point No. 5 of the decision of the Scrutiny Committee to be doubtful; they are genuine.

10. Relying on the said material, even keeping aside the claim of the petitioners for reliance on the case of Prakash, the Committee ought to have independently granted the petitioners validity certificates. Since the same have not been done, interference with the impugned order is warranted.

11. In view of the above, the writ petition is partly allowed. The impugned order is quashed and set aside. The Committee shall issue a certificate of validity to the petitioner of 'Tokre Koli', Scheduled Tribe, forthwith. However, the validity so granted shall be subject to the final outcome of the proceedings, if any, relating to the validity holders whose cases the Committee has decided to reopen.

12. The petitioners shall not be entitled to claim any equities.

(ABASAHEB D. SHINDE, J.)

vj gawade/-.

(R. G. AVACHAT, J.)