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

**WRIT PETITION NO. OF 14675 OF 2021**

Sandip s/o Kaduba Dandge,  
Age: 32 years, Occu: Service  
(Laboratory Attendant),  
R/o. : At post Rajur,  
Taluka Bhokardan, Dist. Jalna

...PETITIONER

VERSUS

- 1) The State of Maharashtra,  
through its Secretary,  
Home Department,  
Mantralaya, Mumbai-32
- 2) The Committee for Scrutiny and  
Verification of Tribe Claims,  
Through its Dy. Director (Research),  
Aurangabad
- 3) The Director of Forensic Science  
Laboratories, Home Department,  
Maharashtra State, Vidyanagari,  
Hans Bhurge Marg, Santacruz (east),  
Mumbai 400 098

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Mr A. S. Bayas, Advocate h/f Mr S. R. Dheple, Advocate for petitioner  
Mr S. R. Wakale, A.G.P. for respondents

**CORAM : MANGESH S. PATIL**

**AND**

**PRAFULLA S. KHUBALKAR, JJ.**

**DATE : 10th March, 2025**

**JUDGMENT (PER : PRAFULLA S. KHUBALKAR, J.)**

1. Heard.

2. Rule. Rule made returnable forthwith. By consent, heard the parties for final hearing.

3. The petitioner takes exception to the judgment and order dated 14/12/2021, passed by respondent No.2/scrutiny committee invalidating the petitioner's claim for 'Koli Malhar' Scheduled Tribe in a proceeding under Section 7 of the Maharashtra Scheduled Castes, and Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Maharashtra Act No.XXIII of 2001). By the impugned order, the committee has observed that the petitioner has failed to establish his claim on the basis of the documentary evidence as well as on account of failure to prove affinity with 'Koli Malhar' scheduled tribe.

4. Mr A. S. Bayas, learned counsel holding for learned counsel Mr Dheple for the petitioner vehemently submits that the scrutiny committee has adopted an erroneous approach in discarding ample documentary evidence and the validity certificates in favour of

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close blood relatives of the petitioner. He submits that while dealing with the validity certificates relied upon by the petitioner, the committee has wrongly referred to some documents of other persons who are not from the family of the petitioner. He vehemently submits that, instead of giving due weightage to the validity holders of petitioner's cousin brother Anil Kashinath Dandge, the committee has unnecessarily given importance to invalidation of claim of Shaligram Balaji Dandge and Kashinath Vithoba Dandge who are not related to the petitioner. He submits that invalidation of these two persons was never confronted to the petitioner during vigilance cell enquiry and as such, the petitioner had no opportunity to deny the relations with these persons.

5. Per contra, Mr S. R. Wakale, learned A.G.P for respondents opposes the petition and justifies the impugned order. He submits that the committee has rightly discarded the validity certificate of Anil Kashinath Dandge. He submits that the petitioner was required to establish his claim independently and reliance cannot be placed on the validity of Anil Kashinath Dandge since the same was granted by the committee comprising Mr V. S. Patil as one of the members who had tainted record.

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6. We have considered the rival contentions and perused the papers.

7. It has to be noted that amongst the other documents, the petitioner has relied upon the validity of Anil Kashinath Dandge, who is his paternal cousin brother. Claim of Anil was validated by order dated 26/06/2008 by a reasoned order and on the basis of the vigilance cell enquiry in his case. It is pertinent to note that the order in the matter of Anil Kashinath Dandge was by a committee without comprising of Mr V. S. Patil as a Member. As such, although validity certificate may have been signed by Mr V. S. Patil who was allegedly involving in various irregularities in deciding the caste claims, the validity of Anil which was granted by following the due procedure, cannot be discarded.

8. It has also to be seen that while discarding the validity certificate of petitioner's close relatives, the committee has referred to invalidation of Shaligram Balaji Dandge and Kashinath Vithoba Dandge, referring these two persons as cousins of petitioner. It is pertinent to note that vigilance cell enquiry in the matter of petitioner does not refer to invalidation of claims of these two persons. Thus, the petitioner was never confronted with invalidation of the claim of these

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two persons and the same could not have been made the basis to decide the petitioner's claim. The petitioner is now disputing any relationship with them and there is nothing to disprove this stand. This demonstrates perverse approach on the part of the scrutiny committee.

9. Relationship of the petitioner with Anil is not disputed as reflected in the genealogy and vigilance cell enquiry of the petitioner. In view of the validation of the claim of Anil, the petitioner is entitled to derive benefits in view of the settled position of law as laid down in the matters of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and others**, [AIR 2023 Supreme Court 1657] and **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and others**, [2010 (6) Mh. L.J. 401]. It is submitted that the petitioner is ready to run the risk of facing the consequences as contemplated in the matter of **Shweta Balaji Isankar vs. The State of Maharashtra and others**, [2018 SCC OnLine Bom 10363] (Writ Petition No.5611/2018).

10. In view of the above, the petitioner is entitled to receive validity certificate conditionally. Hence, we pass the following order :-

(a) The writ petition is partly allowed.

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(b) The impugned order dated 14/12/2021, passed by respondent No.2/caste scrutiny committee is quashed and set aside.

(c) Respondent No.2/committee is directed to immediately issue the tribe validity certificate of 'Koli Malhar' Scheduled Tribe category to the petitioner in the prescribed format, which shall be co-terminus with the validity in favour of Anil Kashinath Dandge.

(e) The petitioner shall not claim any equities.

(f) Rule is made partly absolute in above terms.

(f) No order as to costs.

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

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