



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

2 WRIT PETITION NO. 11797 OF 2022

HIRABAI KISAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
3 WRIT PETITION NO. 12572 OF 2022

PARVATI KISAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for the Petitioners : Ms. Vaishali B. Suryawanshi
AGP for Respondents No.1 and 2 : Mr. P. S. Patil
Advocate for Respondents No.3 and 4 : Ms. M. A. Bhosle holding
for Ms. M. V. Narwade

...
**CORAM : S. G. MEHARE &
SHAILESH P. BRAHME, JJ.**

DATE : 10-03-2025

PER COURT:-

1. Heard both sides finally at the admission stage considering exigency in the matters.
2. The petitioners are real sisters challenging distinct judgments and orders dated 14.10.2022 passed by respondent No.2/Scrutiny Committee confiscating and invalidating their claim of Scheduled Tribe - "Koli Mahadev".
3. The petitioners are relying on the validity certificates of Namdev Laxman Gaikwad, Atul Vishnu Gaikwad and Sonali Madhukar Gaikwad.

4. During the course of hearing, it revealed that the petitioners, for the first time, before this Court are relying on thirteen validities in the family. In fact only three were pressed into services before committee.

5. The vigilance inquiry and order passed by the committee in the matter of first validity holder Namdev are also not on record. The petitioners want to produce revenue record in the form of 7/12 extracts indicating the entries since 1940-41.

6. The petitioners also have relied on a detailed genealogy which is filed alongwith affidavit which was also not on record before the committee. The vigilance report shows that no verification was conducted in respect of revenue record. The relationship of the petitioners with the validity holders has not been gone into during the vigilance inquiry. It is further contention of the petitioners that no adequate opportunity of hearing or producing relevant documents was extended to them.

7. As against that, Mr. P. S. Patil, learned A.G.P. submits that the relationship of the petitioners with the validity holders is disputed. He tendered on record original files of petitioners, Sonali and Namdev. He adverted our attention to the genealogy which indicates that Laxman had four sons. However, the genealogy given by the petitioners indicates only three sons.

8. Considering the above referred fact, we find it appropriate to relegate the parties to the scrutiny committee, so that the petitioners would get the opportunity to produce on record additional material and detail vigilance could also be conducted by the committee. We, therefore, pass following order:-

ORDER

- i) The writ petitions are allowed partly.
- ii) The impugned judgment and orders stand quashed and set aside.
- iii) The matters are relegated to the scrutiny committee Ahmednagar i.e. respondent 2/ the Commissioner, Scheduled Tribe Scrutiny Committee, Nasik Division, Nasik, for conducting a fresh inquiry.
- iv) The petitioners shall be at liberty to produce additional material before the committee including detail genealogy, record of previous validity holders, revenue record, etc.
- v) Respondent No.2/Scrutiny Committee shall be at liberty to conduct a fresh vigilance.
- vi) The claims shall be decided within a period of four months from today by extending opportunity of hearing to the petitioners.
- vii) Till then, there shall be *interim* protection to the services of the petitioners with respondent No.3.

[SHAILESH P. BRAHME]
JUDGE

[S. G. MEHARE]
JUDGE