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

WRIT PETITION NO. 13445 OF 2023

Asha d/o Ramlu Kamlawar,
Age: 33 years, Occu: Service (Asst. Store Keeper),
R/o. Natkar Galli,
Behind Panchayat Samiti, Degloor,
Tq. Degloor, Dist. Nanded,
At present : Balaji Nagar, Taroda Bk.,
Nanded, Tq. and Dist. Nanded

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Water Conservation Department,
Mantralaya, Mumbai-32
 2. The Commissioner,
Water Conservation Department,
Aurangabad
Paithan Road (WALMI), Aurangabad
 3. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near CIDCO Bus Stand, Aurangabad,
Dist. Aurangabad
-RESPONDENTS

AND

WRIT PETITION NO. 13165 OF 2023

1. Krishna s/o Ramlu Kamlawar,
Age: 24 years, Occu: Student,
R/o. Natkar Galli,
Behind Panchayat Samiti, Degloor,
Tq. Degloor, Dist. Nanded,

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2. Bajrang s/o Vishwanath Kamlawar,
Age: 28 years, Occu: Student,
R/o. Natkar Galli,
Behind Panchayat Samiti, Degloor,
Tq. Degloor, Dist. Nanded,

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32
2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,
Headquarter Aurangabad,
Near CIDCO Bus Stand, Aurangabad,
Dist. Aurangabad

....RESPONDENTS

AND

WRIT PETITION NO. 13461 OF 2023

1. Vishwanath s/o Kerba Kamlawar,
Age: 57 years, Occu: Service,
R/o. Natkar Galli,
Behind Panchayat Samiti, Degloor,
Tq. Degloor, Dist. Nanded,

....PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai-32
2. Deputy Director (Research)
and Member Secretary,
Scheduled Tribe Certificate
Verification Committee, Kinwat,

(3)

Headquarter Aurangabad,
Near CIDCO Bus Stand, Aurangabad,
Dist. Aurangabad

3. Chief Executive Officer,
Zilla Parishad, Nanded,
Tq. and Dist. Nanded

4. The Block Development Officer,
Panchayat Samiti, Degloor,
Tq. Degloor, Dist. Nanded

....RESPONDENTS

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Mr Chandrakant R. Thorat, Advocate for petitioners in all petitions
Mr S. R. Wakale, A.G.P. for respective respondents/State in all
petitions
Ms Y. S. Thorat, Advocate for respondent Nos.3 & 4 in WP No.
13461/2023

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 13th February, 2025

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

1. Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2. By these petitions under Article 226 of the Constitution of
India, the petitioners have challenged the common order dated
05/10/2023, passed by respondent/Scheduled Tribe Certificate
Verification Committee, invalidating their claim for 'Koli Mahadev'

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Scheduled Tribe in a proceeding under Section 7 of the Maharashtra Scheduled Castes, 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.

3. The scrutiny committee has concluded that the petitioners have failed to establish their claim on the basis of documentary evidence and also on account of failure to prove affinity with '*Koli Mahadev*' Scheduled Tribe.

4. Learned advocate Mr C. R. Thorat appearing for the petitioners in all these petitions has submitted that the scrutiny committee has adopted perverse approach in discarding validity certificates in favour of close blood relatives of the petitioners. It is submitted that reasons stated to discard the validity certificates are erroneous, and on the strength of documentary evidence, the caste claim of the petitioners ought to have been validated.

5. Advocate Mr S. R. Wakale, learned A.G.P. for respondents/State and learned advocate Ms Yogita Thorat for respondent Nos.3 and 4 in Writ Petition No.13461/2023 have opposed

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the petitions and justified the impugned order. They have submitted that no reliance can be placed on the validity of Sangita Ramlu Kamlawar, dated 06/04/2011, which was granted without considering other documents of the petitioners' family and which was granted by the committee comprising of Mr V. S. Patil, who had indulged in serious irregularities in deciding the cases of caste claims. They have submitted that the petitioners are bound to establish their claims independently and cannot solely rely on validities of blood relatives.

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

7. It has to be noted that the petitioners have relied upon validity dated 06/04/2011 of Sangita Ramlu Kamlawar and have filed the copy of vigilance cell enquiry report in her matter. Relationship of Sangita Ramlu Kamlawar with petitioners being real sister of Asha and Krishna, cousin sister of Bajrang and niece of Vishwanath is not disputed. Even the affidavit of genealogy filed by Bajrang Vishwanath Kamlawar, dated 22/09/2014 depicts the relations. The objection about validity of Sangita only on account of Mr V. S. Patil being member of the committee cannot sustain since validity of Sangita was granted on the basis of vigilance cell enquiry report and

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other documents referred in the report. It may be seen that validity of Sangita is not challenged and the same is in force.

8. In view of the settled position of law 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], considering the validity in favour of their blood relatives, petitioners are entitled to derive its benefits.

9. Although, respondents have raised objection to validity of Sangita, in view of the judgment of the Principal Seat dated 27/07/2018 in the matter of **Shweta Balaji Isankar vs. The State of Maharashtra and others**, [2018 SCC OnLine Bom 10363] (Writ Petition No.5611/2018), the petitioners are entitled for grant of validity certificate, which has to be co-terminus with validity of Sangita Ramlu Kamlawar. Hence, we pass the following order :-

- (a) The writ petitions are partly allowed.
- (b) The impugned order dated 05/10/2023, passed by respondent/scrutiny committee, is quashed and set aside to the extent of the petitioners.

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(c) Respondent/scrutiny committee is directed to issue validity certificates to the petitioners of belonging to the 'Koli Mahadev' Scheduled Tribe in the prescribed format, which shall be subject to outcome of validity of Sangita Ramlu Kamlawar, which the respondent/committee has decided to reopen.

(d) The petitioners shall not claim any equities.

10. Rule is made partly absolute in above terms.

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

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