



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

WRIT PETITION NO.12499 OF 2024

1. Anand s/o. Bharat Gajalwad,
Age : 21 years, Occ. Education,
2. Omkar s/o. Subhash Gajalwad,
Age : 21 years, Occ. Education,
3. Rutik s/o. Ashokrao Gajalwad,
Age : 22 years, Occ. Education

All above r/o. Valmik Nagar, Mukhed,
Tq. Mukhed, Dist. Nanded

..Petitioners

Vs.

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32
2. Scrutiny Committee for Scheduled Tribes,
Kinwat, Headquartered at
Chh. Sambhajinagar

..Respondents

Mr.O.B.Boinwad, Advocate for petitioners
Mr.V.S.Choudhary, AGP for respondents

**CORAM : R.G.AVACHAT AND
NEERAJ P. DHOTE, JJ.**
DATE : JULY 11, 2025

ORDER :-

Heard both sides finally at the stage of admission.

2. The petitioners, who are cousins and taking education, claimed to be belonging to 'Koli Mahadeo', scheduled tribe. Their tribe claim came to be referred to respondent no.2 - Committee. Respondent no.2 - Committee, by the impugned order dated 30.10.2024, invalidated their tribe claim. Hence, this Writ Petition under Article 226 of the Constitution of India.

3. It is submitted by learned counsel for the petitioners that the father of petitioner no.1 - Anand and father of petitioner no.3 - Rutik are having validity issued by respondent no.2 - Committee, as belonging to 'Koli Mahadeo', Scheduled Tribe, by following the due procedure. He submits that the petitioners' tribe claims have been invalidated on the ground that the fathers of petitioner nos.1 and 3 and one Jayashri, who is cousin sister of the petitioner, got the validities by suppressing information from respondent no.2 - Committee. He submits that in the impugned order, respondent no.2 - Committee referred to the three persons by name, Bharat Laxman, Shankar Laxman and Balaji Laxman, as relatives of the petitioners, in whose school record, entries as 'Koli' is made. He submits that the petitioners have submitted their detailed say to the Vigilance Enquiry Report, denying relations with the said three persons. He submits that the said three persons are not from the family of the petitioners

and therefore, said observations of respondent no.2 – Committee are perverse. He submits that in view of the decisions of the Hon'ble Supreme Court in the cases of (i) **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra ors., 2023 SCC Online SC 326**; (ii) **Palghat Jilla Thandan Samudhaya Samrakshna Samithi and anr. Vs. State of Kerala and anr., (1994)1 SCC 359**; and (iii) **Jaywant Dilip Pawar Vs. State of Maharashtra and ors., 2018(5)All MR 975**, the impugned order is not sustainable in the eye of law and needs to be quashed and set aside.

4. Learned AGP for respondent no.1 submits that the validity holder in the family of the petitioners got the validity by suppressing the vital documents, which indicate entries as Koli. She submits that the statement of the mother of the first validity holder – Ashok, shows that her children were not educated, except Ashok. She submits that the affidavit of Bharat Laxman shows that he was in service and was in blood relation with the Ashok and consequently, with the petitioners. She submits that respondent no.2 – Committee has decided to reopen the validity granted to the blood relations of the petitioners, i.e. Ashok and Jayashri and Bharat. She, therefore, prays that the petition may be dismissed.

5. We have perused the papers on record. The main ground on which the tribe-claim of the petitioners came to be invalidated by respondent no.2 - Committee, is that the said three persons namely, Bharat, Shankar and Balaji, who were in blood relations of the petitioners, were having entries as 'Koli' in their school record. However, the petitioners have denied relations with the said persons. Learned counsel for the petitioners has pointed to the Vigilance Enquiry Report (Exh.`D" - page nos.72 to 76 to the petition), to show that the age of Bharat, Shankar and Balaji, as shown in the report itself, shows that the persons named in the impugned order cannot be the same persons, as the years of their entry in the school record are 1961, 1962 and 1989. On this basis, the petitioners contend that said three persons are not in their blood relations. However, there is no dispute on the aspect that the father of petitioner no.1 and the father of petitioner no.3 are having validity issued by respondent no.2 - Committee, after following the due procedure.

6. In view of the above-referred decisions of the Hon'ble Apex Court, since the validity of the blood relations of the petitioners are intact, the petitioners cannot be deprived of the validity of the same tribe. Therefore, the petitioners are entitled to conditional validity, as respondent no.2 - Committee has decided to reopen the cases of validity holders of the family of the petitioners.

7. Hence, we proceed to pass the following order:-

(i) The Writ Petition is partly allowed;

(ii) The impugned order dated 30.10.2024, passed by respondent no.2 - Committee, is quashed and set aside.

(iii) Respondent no.2 - Committee shall issue validity certificates in favour of the petitioners as 'Koli Mahadeo', Scheduled Tribes, within a period of two weeks from the date of receipt of a copy of this order, which shall be subject to the following conditions:-

(a) The validity certificates shall be subject to the outcome of reverification to be undertaken by respondent no.2 - Committee, in respect of the validity holders of the family members of the petitioners;

(b) The petitioners shall not claim equities;

(c) The petitioners shall co-operate with the respondent - Committee, whenever they are called for in case of reopening of the validity.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

KBP