



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.15485 OF 2023

RAMESHWAR VITTHAL SALUNKHE
VERSUS

1. THE STATE OF MAHARASHTRA, THROUGH ITS SECRETARY, TRIBAL DEVELOPMENT, MANTRALAYA, MUMBAI-32.
2. THE COMMITTEE FOR SCRUTINY AND VERIFICATION OF TRIBE CLAIMS, THROUGH ITS DY. DIRECTOR (RESEARCH), DHULE.
3. THE HEADMASTER, RAJE SHIVAJI VIDYALAYA, VIDYASANKUL, HINDU COLONY, DADAR (EAST), MUMBAI-400014.
4. INDIAN EDUCATION SOCIETY, THR. ITS SECRETARY & CEO OFFICE AT VIDYASANKUL HINDU COLONY, DADAR (EAST), MUMBAI-400014.

Advocate for the Petitioner: Mr. N.T. Tribhuwan h/f. Mr. Santosh S. Dambe
AGP for Respondents: Mr. S.R. Wakale

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 05.03.2025

PER COURT:

We have heard both the sides finally.

2. The learned advocate for the petitioner submits that the petitioner is taking exception to the judgment and order of the respondent – Scrutiny Committee, whereby, it has refused to validate his ‘*Tokre Koli*’ scheduled tribe certificate. He submits that subsequently the petitioner could trace out a 1923 document in the form of extract of birth and death register of his ancestor Wakra Chaitram Dalpat, wherein, he has been described as ‘*Tokre Koli*’. He submits that by making appropriate application against payment of cost, he could obtain a

certified copy of extract which is placed on the record at page No.51-L and 51-N, an opportunity be extended to the petitioner to once again go before the Committee and substantiate his claim.

3. The learned AGP submits that since old record is being produced for the first time, the Committee would need to verify it and if necessary by resorting to a vigilance inquiry.

4. Since it is a matter of social status, when the petitioner claims to have been able to place hand on a pre-constitutional record which has a highest probative value, in our considered view, the interest of justice would be met by remanding the matter for fresh adjudication.

5. The writ petition is allowed partly.

6. The impugned order is quashed and set aside. The matter is remitted back to the respondent – scrutiny committee for fresh adjudication of the petitioner's claim, by extending him an opportunity to lead additional evidence, and if necessary by resorting to a fresh vigilance inquiry.

7. The petitioner shall appear before the Committee on 13.03.2025 and the Committee shall decide the proposal within four months thereafter.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)