



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5666 OF 2025

SAIRAJ SAHEBRAO ZUDPE

VERSUS

STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ANOTHER

...

- Mr. Deepak D. Choudhari, advocate h/f Mr. Ramchandra Kanu Mendadkar, Advocate for the Petitioner
- Ms. S. S. Joshi, AGP for Respondents/State

...

CORAM : MANGESH S. PATIL &
Y. G. KHOBRAGADE, JJ.

DATE : 02.05.2025

PER COURT :

. The petitioner is challenging the order of invalidation passed by the Scrutiny Committee refusing to validate his '*Koli Mahadev*' scheduled tribe certificate.

2. We have heard the learned advocate for the petitioner as also the learned AGP.

3. The learned advocate for the petitioner submits that it is a matter of social status pursuant to Section 8 of the Maharashtra Act No. XXIII of 2001, burden would be on the petitioner to substantiate his claim. He could stress out certain documents of a pre-constitutional period, which were not available to him and the committee decided his proposal. He may be extended an opportunity

to once again appear before the committee and make an endeavor to satisfy it by leading such pre-constitutional record.

4. The learned AGP fairly concedes that if some new record is being sought to be produced, the committee will have to undertake a fresh scrutiny, if necessary by resorting to additional or fresh vigilance enquiry.

5. In light of above, when the petitioner claims that he possesses pre-constitutional record which was not available when the committee decided the proposal, the request for remand of the matter is indeed and innocuous one.

6. The writ petition is partly allowed. The impugned order is quashed and set aside. The petitioner's claim is remanded back to the Scrutiny Committee for fresh adjudication. The committee shall permit the petitioner to lead additional evidence. The committee may resort to a fresh/additional vigilance enquiry, if it so considers necessary.

7. In any case, the committee shall decide the proposal afresh within six months.

(Y. G. KHOBRADE, J.)

(MANGESH S. PATIL, J.)

jhs/