IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8580 OF 2023

Vinod s/o. Ukhaji Gavali .. Petitioner

VERSUS

The State of Maharashtra & Ors. .. Respondents

Mr. C.R. Thorat, Advocate for the petitiioner.
Mr. S.R. Yadav-Lonikar, AGP for the respondent-State.

CORAM : **KISHORE C. SANT & JITENDRA JAIN, JJ.**
RESERVED ON : **21.08.2026**
PRONOUNCED ON : **27.10.2026**

PC :-

01. This writ petition arises out of the judgment and order passed by the learned members of respondent No. 2, Scheduled Tribe Certificate Verification Committee, Aurangabad, invalidating the tribe claim of the petitioner, as belonging to "Koli Mahadev".

02. Respondent No. 1 is the State. Respondent No. 2 is the Deputy Director of the Committee. Respondent No. 3 is the Superintending Engineer, Public Works Department, Ratnagiri, where the petitioner is working. Respondent No. 4 is the Sub-Divisional Engineer, and Respondent No. 5 is the Executive Engineer of Public Works

Department, Sindhudurg.

03. The petitioner was appointed to the post of "Cook" as belonging to the Scheduled Tribe i.e. "Koli Mahadev" on a reserved post. His claim was referred to the Committee by respondent No. 4, Sub-Divisional Engineer, for verification. The Committee, on considering the evidence, the material produced before it, and the material collected during the inquiry, formed an opinion that the petitioner has failed to prove his tribe status as "Koli Mahadev" and dismissed the claim.

04. The learned advocate for the petitioner vehemently argued that the petitioner, in support of his case, had produced almost 26 documents. He had relied upon the validity certificate issued in favor of his cousin, namely Yogiraj, who was held to be belonging to the tribe "Koli Mahadev". His certificate was issued on 08.08.2021.

05. The learned advocate further submits that the petitioner relied upon the documents right from 1950–51, where the revenue entry shows that his grandfather, namely Kushaba Yashwant Koli, is belonging to "Koli Mahadev" tribe. He further submits that this Yogiraj is shown in the family tree, with genealogy produced by the petitioner.

06. The petitioner had also submitted 7/12 extract of land Gut No. 176 of village Januna, Taluka Buldhana, in respect of a person from the family of the petitioner, the entry was taken under section 36 and 36A of the Maharashtra Land Revenue Code that the owner of the land happens to be a Scheduled Tribe person.

07. He submits that the school record of his uncle, namely Bhagwan Gavali, in the school register taken on 26.09.1974 shows his caste as "Koli Mahadev". His paternal aunt Bhagirathi was also shown to be belonging to Scheduled Tribe. Her entry is dated 12.12.1968. His real brother Dilip is shown to be "Koli Mahadev" in the school entry where he took admission for 1st standard on 01.08.1994. One Dnyaneshwar is also shown to be "Koli Mahadev" in the entry taken on 07.07.1981 in the Zilla Parishad school.

08. The learned advocate further submits that now, by way of amendment, he has also produced on record subsequent documents. His one of the cousins, namely Naresh Devidas, is granted validity by this Court by order dated 20th August 2025 by allowing the Writ Petition No. 9776 of 2025. Another cousin nephew, namely Hiralal Gavali, though his

caste claim is invalidated, now a writ petition is pending bearing No. 13052 of 2025. This Hiralal Shenphad has shown the name of this petitioner and also the name of Naresh, in whose favor validity is granted, in his genealogy.

09. The learned advocate thus, on all these grounds, submits that the Committee has erred in invalidating the tribe claim of the petitioner as belonging to a Scheduled Tribe. He relies upon the following judgments:

1. AIR 2023 Supreme Court, page 1657 (*Maharashtra Adivasi Thakur Jamat Swarakshan Samiti vs. State of Maharashtra*)
2. AIR 2009 SC (SUPP) 2684 *(Sayanna Vs. State of Maharashtra & Ors.)*
3. 2018 SCC OnLine Bom, page 10363 (*Shweta Balaji Isankar vs. State of Maharashtra and others*)
4. Writ Petition No. 1209 of 2022, Aurangabad (*Samriddhi Yogesh Savale vs. The State of Maharashtra through its Secretary, Tribal Department*)
5. Writ Petition No. 3991 of 2026 (*Ku. Ganesh Santosh Koli vs. State of Maharashtra through the Secretary, Writ Petition at Kolhapur*)
6. Writ Petition No. 11994 of 2023 (*Vaishnavi Rameshrao Tarfewad vs. The State of Maharashtra and others*)
7. Writ Petition No. 1624 of 2025 (*Sahebrao s/o Sayanna Poradwar vs. The State of Maharashtra through Secretary*

and another)

8. Writ Petition No. 7527 of 2018 (*Saurabh Ashok Jadhav and anr vs. State of Maharashtra through Secretary and others*)

9. Civil Appeal No.9941 of 2016 [Hon'ble Supreme Court] *(Mary Pushpam Vs. Telvi Curusumary & Ors.)*

10. He relied upon some other judgments as well. However, all the judgments are almost on the similar points.

11. Learned AGP, on the other hand, vehemently opposes the petition. He submits that the petitioner has utterly failed to prove his tribe status. The validity in the case of Hiralal is refused and the petition is pending. In Naresh Devidas's case, though he is shown to be a validity holder, his name is not appearing in the genealogy submitted by the petitioner initially before the Committee. It is only after filing of this petition, Naresh is granted validity by this Court in Writ Petition No. 9776 of 2025.

12. He further submits that the Committee has specifically recorded findings against the petitioner. It is found that there are contra entries in the family of the petitioner, that is uncle, paternal aunt, etc. It is further observed that wherever entries are shown as Koli Mahadev in

the Zilla Parishad School, the word "Mahadev" is inserted lateron after the word "Koli". He thus submits that when the entries are found to be interpolated or contrary, such entries cannot be relied upon. In the cases which petitioner relies upon, the validity is granted conditionally and, therefore, those cannot be relied upon.

13. So far as judgments relied by the petitioner, he submits that on facts, the judgments are not applicable. This Court, during the course of discussion, would consider the judgments and the applicability of the judgments.

14. In the case of **Maharashtra Adivasi Thakur Jamat [supra],** the Hon'ble Apex Court considered as to in which cases, the Vigilance Cell enquiry needs to be directed. It is held that in the cases where validities are granted to blood relatives after holding enquiry, then in normal course, no enquiry needs to be directed. It is further held that when the validity to a blood relative is granted without holding enquiry or without reasons, in such cases the Committee cannot grant validity certificate only on the basis of such validity certificate of blood relative. In para 23 it is further considered where the Committee is of the view that the applicant has not clearly established blood relations with such

validity holder in terms of sub-rule (2) of Rule 12 of the Maharashtra Scheduled Tribes (Regulation of Issurance and Verification of) Certificate Rules (2003), then in such cases also Vigilance enquiry needs to be directed.

15. In the case of **Sayanna [supra],** the Hon'ble Apex Court was considering effect of the case of interpolation that was found in the caste column entries. The Court held that merely because interpolation is found is not sufficient to refuse claim of a person. In that case there it was an admitted position that the Scrutiny Committee never attempted to get expert's opinion so far as interpolation is concerned. The Committee itself did not compare disputed letter with admitted letters of the appellant. In that case it was held that merely relying upon report of Police Inspector, it was not advisable to infer that the interpolation is done by the candidate. In that case the allegation was that word "lu" was added to word "Mannerwarlu".

16. So far as judgment in the case of **Shweta Balaji Isankar [supra]** is concerned, this Court held that merely because show cause notices are issued to near relatives as to why their claim cases should not be reopened, is not sufficient to refuse to issue validity certificate.

Whenever the certificates are shown of blood relatives, those must be relied upon unless those are set aside.

17. In the case of **Samriddhi Yogesh Savale [supra]**, this Court considered the documents showing that the ancestors of the petitioner were granted the lands as Watan land was overlooked by the Committee without sound reason. The finding of the Committee was therefore set aside. So far as judgment in the case of **Ku. Ganesh Santosh Koli [supra]** is concerned, the Committee had made observations contrary to the documents on record. In that view the finding was set aside of the Committee.

18. Last judgment relied upon by the petitioner is in the case of **Mary Pushpam [supra]**. The judgment is on judicial discipline. When there is judgment of Coordinate Bench, it is held that said judgment needs to be followed by another Coordinate Bench. In case the later Coordinate Bench finds that the earlier judgment is unacceptable, then only course open is to refer the judgment to Full Bench or Larger Bench as the case may be.

19. Before going towards discussion, this Court has seen the

findings recorded by the Committee. The Committee, on the very first point, has considered the entries in the names of the petitioner. So far as the entry in the name of father dated 29.06.1974 taken in the Zilla Parishad School, Kolwadi, Taluka Bhokardan, District Jalna is concerned, caste is shown to be Koli. Same is the case with the entry in the name of his real uncle, namely Supda Kushaba Gavali and Bhagwan Gavali. In their entries dated 18.06.1962 and 01.07.1975, the tribe is shown only as Koli. One Santosh Daulat Gavali, cousin uncle, and Sukhdeo Kisan Gavali, cousin of the petitioner, are also shown to be Koli in the school register, as appearing from the entries dated 05.12.1961 and 18.06.1962.

20. Though there are entries showing some of the relatives as Koli Mahadev, i.e. Sukhdeo Kisan Gavali, Laxmi Daulat Gavali, Bhagirathi Kushaba Gavali, Damu Ramu Gavali, Dagadabai Kisan Gavali, Yashoda Ramu Gavali, who happen to be cousins, cousin paternal aunt, real aunt, cousin sisters, Gajanan Supda Gavali. Wherever "Koli Mahadev" is written, it is found that the word "Mahadev" is inserted later on without following the procedure as set out in Rule 26 of the Secondary School Code and therefore, it is observed that those are made only to suit the purpose of the petitioner and cannot be taken to be genuine entries.

21. So far as entries in 7/12 extract are seen, it is observed that in the record of rights of 1950–51 in respect of Survey No. 295, Kushaba Yashwanta Koli is shown only as Koli and not as Mahadev Koli. His great-grandfather Mhatarji Yeduba Koli in 7/12 extract is also shown only as "Koli". Tukaram Mhatarji Koli is also shown only as "Koli" in the revenue record.

22. Insofar as the affinity test is concerned, the Committee found that the petitioner failed to show affinity with the tribe as "Koli Mahadev".

23. The Committee further observed that the caste certificates in the name of the petitioner, his father, cousin, uncle and grandfather are without going for validity. The Committee, therefore, rightly not relied upon those certificates. The "Koli Mahadev" entry shown in the names of the petitioner, his uncle, brother, cousins, cousin sister in the school record, though shown as "Koli Mahadev", those are after 1974 till 2010, and therefore, those are also rightly not considered.

24. The Committee members further considered the entries of

Santosh Daulat Gavali, Supda Kushaba Gavali, Sukhdeo Kisan Gavali, Ukhaji Kushaba Gavali, and Bhagwan Kushaba Gavali i.e. the father, two uncles, cousin uncle, and mainly the father of the petitioner are shown only as “Koli”. So far as the entries of Damu Ramu Gavali, Sukhdeo Kisan Gavali, Hiralal Shenphad Gavali, Gajanan Supda Gavali, who are shown to be cousin brothers, in their entries, the word "Mahadev" is inserted lateron in the entries in a different ink and different handwriting.

25. His cousin maternal aunt, namely Laxmi Daulat Gavali, though shown to be “Koli Mahadev” in the school register, the word "Mahadev" is written later on. So far as Bhagirathi Kushaba Gavali, paternal aunt, in her case also, the word "Mahadev" is written later on after word "Koli". Same is the case with cousin sisters Dagadabai and Lalita Bhagooji Gavali. In any case, all these entries are not relied upon for the reasons stated in the order.

26. Thus, on all these materials, the Committee came to a conclusion that by writing the word "Mahadev" after the word "Koli" in the school register, it is tried to be shown that the entries are as “Koli Mahadev”. All these entries are corrected without following due process of law. If any entry in school record is to be corrected then same can be

done only by obtaining prior permission of the authorities. So far as affinity test is concerned, as already stated, the Committee found that the petitioner failed to establish even the affinity with "Koli Mahadev" tribe.

27. This Court has seen the record. None of the findings is found to be against the record. The learned AGP has produced original file of the petitioner before the Committee. He has also produced the file in the case of Sandeep Sukhdeo Gavali, whose case is also rejected by the Committee.

28. From the case of Sandeep Gavali, it is seen that entry in the name of Kushaba Yashwant, is shown to be "Koli Mahadev" in the register. However, the word "Mahadev" is written subsequently, as is appearing in the revenue record. So far as one Maruti Vithoba Koli is concerned, he was shown only as "Koli", who was shown to be related to Sandeep. The entry in the name of Dashrath Yashwant is also shown only as Koli. In the entry number 463 in the revenue record, Kushaba Yashwant is shown to be Koli Mahadev; however, the word "Mahadev" appears to be written subsequently. One Maruti Vithoba Koli is also shown only as "Koli". In his case, he had relied upon the entry of one

Santu Nathu Koli, who was only shown to be “Koli” and that was considered to be a contra entry.

29. In the name of Sandeep Sukhdeo Gavali, in his genealogy, he had shown the name of Hiralal and Raju. Name of Daulat is also seen. The petitioner's name also appears in the genealogy given by Sandeep. It is seen that, however, still the validity claim of Sandeep was rejected on 09.04.2026. This aspect also needs to be considered in the present case.

30. So far as the file of the petitioner is concerned, this Court has personally seen the file. In this case, the names of Supda Kushaba, Shenphad Kushaba, i.e. uncles of the petitioner are seen. Supda's son Gajanan, Yogiraj, Shenphad's son Yogiraj, all are shown in the genealogy. This genealogy was produced on 14.03.2022.

31. So far as the general register of the school is concerned, the Headmaster has given the extract of the general register from Zilla Parishad School, Walsawangi. The caste of Santosh Daulat Gavali, Sukhdeo Kisan Gavali, Supda Kushaba Gavali, Bhimrao Kaduba Gavali, Tukaram Santosh Gavali is shown only as “Koli” and not as “Koli

Mahadev". These entries are of the year 1948, 1954, 1955, 1956. In the name of Shamrao Fakira and Tukaram Santosh, entries are of 1957.

32. Ukhaji Kushaba Gavali i.e. father of the petitioner, is also shown only as "Koli" in 29.06.1964, where his date of birth is shown to be 01.01.1958. There is no dispute about these entries as the general register is signed and certified by the Headmaster. So far as Bhagwan Kushaba, uncle, is concerned, and Dagadabai Kisan and Yashodabai Ramu Gavali are shown, the entry of Gavali Hiralal is certified by the headmaster as "Mahadev Koli". The word "Mahadev" is written after the word "Koli". This is only in respect of Gavali Dagadabai and Gavali Yashodabai. So far as Gavali Hiralal, initially it was written as "Mahadev Koli", and later on it is written as "Koli Mahadev".

33. So far as Dilip Ukhaji is concerned, Gajanan Supda and Lalita Gavali are concerned, it is certified that in the entries, interpolation is found. In the case of Sukhdeo Kisan also, the word "Mahadev" is written after the word "Koli" in the register later on.

34. Thus, considering all these records, this Court finds that when there are contra entries, the case of the petitioner cannot be

considered. There is no satisfactory explanation given by the petitioner about the contra entries. This Court, therefore, does not see any reason to come to conclusion that the observations by the Committee are not correct.

35. In the present case, there is no certificate produced of near blood relatives of the petitioner and therefore the the judgment in the case of **Maharashtra Adivasi Thakur Jamat [supra]** would not be applicable. It is further held that the Vigilance Cell report is not conclusive. There is no dispute about said proposition. However, at the same time, it needs to be kept in mind that it is for the Scrutiny Committee to decide as to whether the Vigilance Cell enquiry needs to be directed or not depending upon the case. In the present case this Court also finds that before the Committee, there were certified copies of school record and the leaving certificate certified by Head Master of the School. There was no question of interpolation in the present case and therefore judgment in the case of **Sayanna [supra]** would not be applicable. In the present case though it is sought to be stated that there is revenue record found in the name of ancestor, however, no clear relation could be established. An attempt is made to submit that if this Court finds that the judgments relied upon by the petitioner are not

acceptable, then the matter be referred to Full Bench or Larger Bench. This Court does not find even said submission acceptable as this Court is not taking any different view. This Court finds that the judgments, which are relied upon by the petitioner, are not applicable to the facts of the present case and this Court has considered the applicability of the earlier judgments and no contrary view as such is taken from the judgments cited by the petitioner. It is not shown that there were contra entries in the name of the father and blood relatives of the petitioner and still the Courts have granted validity certificate.

36. In view of the above discussions, this Court finds that there is no merit in the petition and the petition deserves to be dismissed. Therefore, this Writ Petition stands dismissed.

[JITENDRA JAIN, J.] **[KISHORE C. SANT, J.]**

. At this stage, the learned Advocate for the petitioner prays for continuation of interim relief. Since the interim relief is running since 2023, the same be continued for a period of 6 (six) weeks from today.

[JITENDRA JAIN, J.] **[KISHORE C. SANT, J.]**

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