IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13521 OF 2024

Nagesh s/o. Shamrao Sarge
Age: 44 years, Occu: Service,
R/o. Lambota, Tal. Nilanga,
Dist. Latur. ...PETITIONER

V E R S U S

1. The State of Maharashtra
Tribal Development Department
Through its Secretary,
Mantralaya, Mumbai-32.

2. Scheduled Tribe Certificate
Scrutiny Committee, Kinwat
Through its Member Secretary.

3. The Divisional Controller
Maharashtra State Road Transport
Corporation, Division Latur,
Dist. Latur.

4. Maharashtra State Road Transport
Corporation Maharashtra Vahatuk Bhavan,
Doctor Anandrao Nayar Road Mumbai
Central, Mumbai-400008,Through its Vice
Chairman and Managing Director. ...RESPONDENTS

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Mr. S. S. Phatale, Advocate for Petitioner.

Mr. R. S. Wani, AGP for Respondent Nos. 1 and 2/State.

Mr. S. N. Janakwade, Advocate for Respondent No.4.

CORAM : **KISHORE C. SANT &**
JITENDRA JAIN, JJ.

RESERVED ON : **31st AUGUST 2026.**

PRONOUNCED ON : **02nd NOVEMBER 2026.**

ORDER :- [PER:- KISHORE C. SANT, J.]

1] Heard Mr. Phatale, learned Advocate for the petitioner, Mr. Wani, learned AGP for Respondent Nos. 1 and 2 and Mr. Janakwade, learned Advocate for Respondent No.4. Inspite of service, none appears for Respondent No.3. By consent of the parties, the matter is heard at the admission stage for final disposal.

2] By way of this writ petition, the petitioner has approached this Court challenging impugned Judgment and Order dated 26/11/2024 passed by Respondent No.2/Scheduled Tribe Certificate Scrutiny Committee, Kinwat *(hereinafter referred to as "**Committee**")* thereby invalidating the tribe claim of the petitioner as belonging to "Koli Mahadev", a Scheduled Tribe.

3] The facts, in short, giving rise to the present petition are that, the petitioner joined the services of Respondent No.4/Maharashtra State Road Transport Corporation *(hereinafter referred to as "**MSRTC**"),* as an 'Assistant

Workshop Superintendent (Junior)' at Osmanabad by order dated 07/03/2015. The appointment of the petitioner is made against the post reserved for a person belonging to Scheduled Tribe. Since his appointment was against a post reserved for Scheduled Tribe category, his validity proposal came to be forwarded to the Respondent No.2/Committee for verification. The Committee, on going through the proceeding, held that the petitioner had failed to prove his tribe status, and refused to grant a validity certificate and cancelled the certificate issued in his favour by learned Sub-Divisional Officer, Nilanga, Dist. Latur, by making the petitioner to approach this Court.

4] Mr. Phatale, learned Advocate for the petitioner, strenuously argued that, the petitioner belongs to Scheduled Tribe category. There are already validity certificates granted to his blood relatives from the father's side. One Santosh Ganpati Sarge (cousin brother) is issued a validity certificate by the Aurangabad Committee on 21/08/2008, since the same is not considered by the Committee. The petitioner had submitted a genealogy showing the said Santosh in the genealogy. He further argued that the petitioner had also relied

upon some other documents showing his father namely, Shamrao Ramrao Sarge, as belonging to Koli Mahadev in the school records. The said entry in the school records is registered on 03/07/1965 and that is the oldest entry. Still, the said entry was discarded.

5] He submits that the Committee has unduly relied upon contra-entries in the names of cousin grandfather namely, Bhima Koli and grandfather namely, Rama Koli. The entries in the name of Ganpati Nagappa (cousin uncle), Bhagwat Govindrao Sarge (cousin nephew), Mangal Govindrao Sarge (cousin niece), Bharat Govindrao Sarge (cousin nephew) are shown only as “Hindu Koli”. However, those entries cannot be considered as contra-entries in view of entry in the name of father of the petitioner. He further challenged the findings of the Committee on the affinity test. He submits that the petitioner was not given the copies of school records and the order. Thus, he could not get sufficient opportunity. He thus submits that the judgment an order dated 26/11/2024 passed by Respondent/Committee deserves to be quashed and set aside.

6] In support of his submissions, Mr. Phatale, learned Advocate for the Petitioner, relied upon the following judgments:-

(i) Yogesh Madhav Makalwad Vs. The State of Maharashtra and Ors.[1]*;*

(ii) Sayanna Vs. The State of Maharashtra and Ors.[2]

(iii) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.[3]*;*

(iv) Apoorva d/o. Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee and Ors.[4]*;*

(v) Ganesh Santosh Koli Vs. The State of Maharashtra and Ors.[5]

7] Mr. Wani, learned AGP appearing for Respondent No.1 and 2, vehemently opposed the petition. He produced original records before this Court. He points out that the caste of the father of the petitioner namely, Shamrao Sarge is only shown as “Hindu” in the school records, where his admission was shown on 14/06/1963. So far as another entry in the name of father of the petitioner (Shamrao Sarge) from school records

1 SLP (C) No.27410/2024 dated 12/08/2025
2 (2009) 10 SCC 268
3 2023 (3) Bom. C.R. 118
4 2010 (6) Mh.L.J. 401
5 WP/3991/2026 dated 20/08/2026 (Kolhapur)

of Zilla Parishad Central Primary School Hallali, Tal. Nilanga Dist. Latur, though the caste is shown as Koli Mahadev. However, the said entry is in different ink and different handwriting and taken by erasing earlier entry.

8] So far as validity of Santosh Sarge is concerned, he submits that, when Santosh submitted his validity claim, he had not shown Rama Koli in his genealogy. He produced the original file of Santosh before the Committee. The entry about manipulation in the validity, he submits that it is certified by the Headmaster of the school, and therefore, that was rightly considered by the Committee.

9] So far as contra-entries are concerned, he submits that when, at some places, even the father's caste is shown to be only "Hindu Koli", it is for the petitioner to explain as to why his father's caste is shown only as "Koli", if he belongs to Koli Mahadev tribe. So far as judgment in the case of ***Ganesh Santosh Koli*** (supra), he submits that, the said judgment is not applicable in the present case. He thus prays for dismissal of the writ petition.

10] In support of his submissions, learned AGP relied upon the following judgments:

(i) Confederation of Real Estate Developers of India (CREDAI) Vs. Vanashakti and Anr.[6]*;*

(ii) Anand Vs. Committee for Scrutiny and Verification of Tribe Claims and Ors.[7]*;*

(iii) Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. The State of Maharashtra and Ors.[8]

11] This Court has gone through the petition papers and also perused the original files of petitioner and Santosh Ganpati Sarge (cousin brother) and the order passed by the Committee. This Court has verified the material documents which were produced by the petitioner and respondent before this Court.

12] Considering the submissions and other material, this Court needs only to verify whether the petitioner has proved his tribe status? and whether the respondent/Committee has rightly denied the said claim of the petitioner?

6 (2026) 5 SCC 201
7 (2012) 1 SCC 113
8 (2023) 16 SCC 415

13] The petitioner’s claim was decided alongwith his daughter’s claim namely, Janhavi Nagesh Sarge. Though the petitioner has challenged the judgment to his extent, the judgment to the extent of Janhavi Sarge (daughter) is accepted and there is no challenge raised by her. It is seen that, since the petitioner is in service, his judgment is only challenged. This Court has seen that the oldest document is about father of the petitioner. This entry is shown as “Koli Mahadev” on 03/07/1965 when he took admission to the school.

14] So far as entries in the names of Ganpati Nagappa (cousin uncle), Bhagwat Govindrao Sarge (cousin nephew), Mangal Govindrao Sarge (cousin niece), Bharat Govindrao Sarge (cousin nephew) are concerned, their entries from the year 1960 to 1974 are shown only as “Hindu Koli”. There is no explanation by the petitioner about these contra-entries. Even as regards the petitioner’s father, his caste is shown only as “Hindu” in the records of Zilla Parishad School (Boys) at Nilanga, Dist. Latur. The said entry is dated 14/06/1963. There is one more entry from the school record produced in the name of father (Shamrao Sarge) in which his caste is shown as “Koli

Mahadev”. The said entry is dated 13/07/1965. However, there is manipulation seen in the said entry. In the vigilance cell, the report is submitted about the revenue record. Even in the revenue records, there is nothing to show that the grand-father and the cousin grand-father of the petitioner belonged to Mahadev Koli. Their caste is recorded only as “Koli”. The Committee, therefore, held that the petitioner has failed to prove his caste claim. There is no any explanation given about these contra-entries even before this Court.

15] The Committee also observed that there is no document showing entry as “Koli Mahadev” prior to 1950. since there is no document prior to 1950, the Committee observed that there is no concrete evidence in support of the petitioner. From the file in the case of Santosh Sarge, which is produced before the Court, it is seen that Santosh has not shown the name of one Rama in his genealogy, who is shown to be a brother of Nagappa, who happens to be grand-father of Santosh. This Court also finds that, when Santosh has not shown in his genealogy, any person from the genealogy of the petitioner showing relation with his grand-father showing

Santosh in the genealogy of the present petitioner appears to be doubtful. Therefore, the Committee rightly did not rely upon the certificate issued in favour of said Santosh.

16] So far as affinity test is concerned, the petitioner even failed to show affinity towards Koli Mahadev tribe. From the original file of the petitioner, this Court has seen the entry in the name of Ganpati, who is only shown to be Koli. In the case of Bhagavat Sarge, the caste in the school register is shown only as “Hindu Koli”. The same is the case with Mangal, Minabai and Bharat. There is an affidavit of Dilip Shamrao Sarge. In his affidavit, he states that the present petitioner happens to be his brother, whose caste claim is held to be valid. In any case, when there are contra-entries and caste of the petitioner’s father himself is only shown to be Koli, the validity certificate issued in the name of Dilip Sarge would not help the petitioner, as the the said validity of Dilip is decided as appearing is to be reopened by the Committee.

17] So far as Judgment in the case of ***Ganesh Koli*** (supra) decided by this Court at Kolapur Bench is concerned,

this Court finds that the said judgment would not be of much help to the petitioner. In the case of ***Yogesh Madhav Makalwad*** (supra), it is seen that the Hon'ble Apex Court, on personally verifying the entry, found that there was no interpolation or fabrication in the entry, and it is on that basis, set aside the finding recorded in the matter.

18] In the case of ***Sayanna*** (supra), the Committee, without verifying entries and without having any certificate to show that the entries were fabricated or manipulated, relied upon only on the opinion of the Inspector of the Vigilance Cell and recorded a finding that the entries were fabricated or manipulated. The Hon'ble Court observed that the Committee could not have disbelieved the entry only on a report by the Inspector in absence of other material. It is in that view of SLP, the validity was granted. In the present case, there are contra-entries found. So far as interpolation or fabrication is concerned, the member of the Committee personally verified the facts and recorded the conclusion. This Court does not find that the said conclusion is against the record.

19] So far as judgment In the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti*** (supra), relied upon by the learned Advocate for the petitioner and learned AGP is concerned, it is held by the Hon'ble Apex Court that merely because, earlier validity certificate is granted cannot be a sole ground to grant validity to a person. Paragraph No.22 of the said judgment reads as below:

> "22. We --------. If it is established that the validity certificate has been granted without holding a proper inquiry of without recording reasons, obviously, the caste scrutiny committee cannot validate the caste certificate only on the basis of such validity certificate of the blood relative."

20] In the case of ***Apoorva Nichale Vs. DCCS Committee and Ors.*** *reported at 2010 (6) MhLJ 401,* relevant paragraph Nos.7 and 9 which read as follows:

> *"7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it."*
> *8. --------*
> *"9. In the present case, we find that the committee has disbelieved the petitioners case that she belongs to Kanjar Bhat after calling the school leaving certificate of petitioners father and noticing that the original caste written on it was Thakur and that was subsequently changed to Kanjar Bhat. The committee observed that the caste has been changed without complying with*

the procedure prescribed by sections 48(e) and 132(3) of Mumbai Primary Education Act. In fact, the caste has been changed on the basis of the affidavit. From the findings of the committee it appears that the committee has observed that the change of caste has been done illegally. Obviously, the committee which decided the caste claim of the petitioners sister did not hold the same view, otherwise it would have refused to grant validity. In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner."

21] So far as judgment in the case of ***Confederation of Real Estate of Developers of India*** (supra), relied upon by the learned AGP is concerned, the Hon'ble Apex Court considered as to what judgments laying down a test in the judgment which can be said to be *per incuriam*. Learned AGP submits that this Court at Kolhapur Bench has not considered the earlier judgment and therefore, the said judgment is *per incuriam*.

22] In any case, this Court, on merits, does not find that a case is made out in favour of petitioner. There is no merit in the petition. The petition therefore stands dismissed.

23] The original record/file be returned to the learned AGP.

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

1. At this juncture, the learned Advocate for the petitioner prays for continuation of interim relief for a period of eight (8) weeks as the petitioner is in service.

2. Learned AGP raises objection. He submits that it is a case where total fraud is played and considering that interim relief need not be continued.

3. However, since the petitioner is in service, Interim relief to continue for further period of six (6) weeks.

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

D.A.ETHAPE (P.A.)