



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

**928 WRIT PETITION NO. 3459 OF 2026
WITH
WRIT PETITION NO. 14151 OF 2025**

SHAILENDRA KASHINATH SAPKALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Mr. Sonawane G. N., Advocate for the Petitioners in WP No.3459 of 2026

Mr. P. S. Patil, AGP for Respondent-State

Mr. Kadu S. B., Advocate for the Petitioner in WP No.14151 of 2025

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**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 09/04/2026

P. C. : (PER : ABASAHEB D. SHINDE, J.) :

1. Heard the learned counsel for the petitioners, the learned AGP and the learned counsel appearing for Respondent No. 4.

2. By Writ Petition No.3459 of 2026, the petitioners have challenged the order dated 11/09/2025, whereby their claim of belonging to the "Tokre Koli" Scheduled Tribe has been invalidated.

3. Learned counsel for the petitioners submits that the Respondent/Scrutiny Committee decided the matter without granting sufficient opportunity of hearing to the petitioners. He

submits that though the petitioners were absent on 26/08/2025, they have filed their reply through e-mail. He further submits that the petitioners could not file their reply to the vigilance cell enquiry report and in the absence of such reply, the Respondent/Scrutiny Committee proceeded to decide the matter. He, therefore, urge that the impugned order be set aside and the matter be remanded back to the Respondent/Scrutiny Committee.

4. Learned AGP points out that the reply filed by the petitioners is not to the vigilance cell enquiry report, but to the complaint filed by Respondent No. 4. It appears that the petitioners have not filed any reply to the vigilance cell enquiry report. We find that it is the right of the claimants to file a reply to the vigilance cell enquiry report, as contemplated under **Rule 12, Sub-Rule (8) of the Maharashtra Scheduled Tribes (Regulation of Issuance and Verification of) Certificate Rules, 2003.**

5. On this short aspect, we find that the matter needs to be remanded back to the Respondent/Scrutiny Committee for granting one more opportunity to the petitioners to participate in the proceedings, including permitting them to file a reply to the vigilance cell enquiry report. Learned counsel for the petitioners submits that the petitioners undertake to appear before the Respondent/Scrutiny Committee on 17/04/2026 and to file their reply to the vigilance cell enquiry report. If such reply is filed, the Respondent/Scrutiny Committee shall decide the matter afresh, in accordance with law and on its own merits. We, therefore, pass the following order :

ORDER

- A) Writ Petition No. 3459 of 2026 is partly allowed.
- B) The impugned order dated 11/09/2025 passed by the respondent-Scrutiny Committee is hereby quashed and set aside.
- C) The matter is remanded to the respondent-Scrutiny Committee to decide the same afresh by permitting the petitioners to file a reply to the vigilance cell enquiry report and by granting sufficient opportunity of hearing to all concerned, including respondent No. 4.
- D) In the peculiar facts and circumstances of the case, we direct the respondent-Scrutiny Committee to decide the tribe claim proceedings of the petitioners as expeditiously as possible and preferably within a period of four months from today.
- E) With these directions, the writ petition stands disposed of.
- F) Insofar as Writ Petition No.14151 of 2025 is concerned, in view of disposal of Writ Petition No.3459 of 2026, nothing survives for consideration and the said writ petition also stands disposed of.

(ABASAHEB D. SHINDE, J.) (SANDIPKUMAR C. MORE, J.)