IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3964 OF 2022

Sujit Bhairavnath Kamble ...Petitioner
VERSUS
The State Of Maharashtra And Ors ...Respondents

Mr. R. K. Mendadakar a/w Adv. Ashish A. Chavan, for the Petitioner.
Ms. Shruti Vyas, Add. GP a/w Ms. M. P. Thakur, AGP for the Respondents-State.

Coram : Sharmila U. Deshmukh &
Shailesh P. Brahme, JJ.

Date : November 20, 2026.

P. C. :

1. The matter is taken up for final disposal with the consent of the parties.

2. The petitioner is assailing judgment and order dated 17.03.2020 passed by respondent No.2 - Scrutiny Committee invalidating the caste claim and confiscating the tribe certificate of Mahadev Koli, Scheduled Tribe.

3. Learned counsel for the petitioner submits that the Scrutiny Committee has committed error of jurisdiction in discarding the pre-constitutional record which was in the form of entries of great-grandfather and uncle of the petitioner. The greater probative value has

been ignored. It is submitted that the reasons assigned for discarding those documents are perverse and arbitrary. Impugned judgment is stated to be unsustainable.

4. Learned AGP appearing for the respondents - State supports impugned judgment and order. She refers to affidavit-in-reply. It is submitted that the Scrutiny Committee has taken possible view and dealt with the documents which are sought to be relied by the petitioner. The vigilance inquiry was conducted in respect of those documents and elaborate findings are recorded to disbelieve the documents. The entries are stated to be forged. It is vehemently pointed out that caste certificate of the petitioner's sister, Usha Kamble was invalidated by the Scrutiny Committee. Being aggrieved she had preferred writ petition which was dismissed by the High Court. In view of the decision rendered by the Co-ordinate Bench, no fault can be found in the impugned judgment and order. Our attention is also invited to the school entries of the relatives indicating caste as Hindu Koli, which is incompatible with the claim of the petitioner.

5. We have considered rival submissions of the parties. Petitioner is mainly relying upon the birth entry of great-grandfather Mahadu Kamble, which shows date of birth as 17.10.1925, and another birth entry of uncle of the petitioner Rajabhau indicating date of birth as

02.08.1943. In the present case, no validity has been issued to the paternal side relatives of the petitioner and therefore reliance is placed upon these side two pre-constitutional documents.

6. The committee has discarded them on the ground that in case of first document there is manipulation in respect of place of birth and in respect of another document the handwriting of entries from serial No. 655 is distinct.

7. We have gone through genealogy produced on record, which is supported by affidavit. The Scrutiny Committee did not express any doubt regarding relationship of the petitioner with Mahadu and Rajabhau. Those are the blood relatives and reliance can be safely made to their entries in view of law laid down by the Hon'ble Supreme Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Versus State of Maharashtra & Ors.***[1]

8. The petitioner has produced on record coloured photocopies of extract of birth registers of great-grandfather Mahadu Kamble and uncle Rajabhau. So far as the first entry of Mahadu is concerned, the date of birth is recorded to be 17.10.1925. Some scoring out is noticed at serial No.70 in the columns referable to the place of birth. We find

1 **2023 SCC OnLine SC 326.**

that no specific manipulation or different ink is noticed in the column recording caste as Mahadev Koli. So far as birth extract of Rajabhau is concerned, the entry is at serial No.620 indicating date of birth as 02.08.1943. We do not find any manipulation or change of ink in respect of the said entry. It is discarded merely because the entries from serial No.655 are seen to be in different ink. The objection to the entries from serial No.655 is irrelevant. The entries from serial No.616 to 628 are found to be consistent.

9. The birth extract of great-grandfather Mahadu and uncle is of pre-independence period. It has greater probative value. In view of law laid down by the Hon'ble Supreme Court in the case of ***Anand Versus Committee for Scrutiny and Verification of Tribe Claims and Ors.***[2], the pre-constitutional entries corroborate the petitioner's claim. We do not find any merit in the submission of learned AGP for discarding those entries. We find that reasons assigned by Committee for discarding the documents are perverse.

10. Learned AGP has referred to the invalidation of the claim of petitioner's sister - Usha Kamble, which was confirmed by High Court. The affidavit-in-reply in its paragraph No.7 indicates that the pre-constitutional entries which are relied upon by the petitioner were not

2 **(2012) 1 Supreme Court Cases 113.**

before the Co-ordinate Bench. The Co-ordinate Bench had no occasion to deal the entries which are having greater probative value. In any case, there cannot be said to be *res judicata* in respect of the caste claims. A useful reference can be made to the judgments of Division Bench of this Court (Aurangabad Bench) in cases of ***Bankam s/o Balaji Maldode Versus The State of Maharashtra and Others***, passed in Writ Petition No. 9047 of 2020, decided on 25 July 2023 and ***Pallavi Sanjay Padalwar and Another Versus State of Maharashtra and Others***, passed in Writ Petition No. 2847 of 2022, decided on 11 July 2023.

11. The school record of other relatives indicates caste claim as Koli incompatible with the claim of the petitioner. However, when claim is supported by pre-constitutional entries having greater probative value, the school record of other relatives is inconsequential.

12. For the reasons recorded above, we find that impugned judgment and order is unsustainable and liable to be quashed and set aside. Hence, we pass the following order :

::Order::

A. The Writ Petition is allowed.

B. The impugned judgment and order dated 17.03.2020 is quashed and set aside.

C. The respondent No.2 - Scrutiny Committee shall issue the tribe certificate of Scheduled Tribe Koli Mahadev to the petitioner in the prescribed format forthwith.

13. Needless to mention that the Scrutiny Committee shall return the original caste certificate which is confiscated by the impugned order forthwith.

[Shailesh P. Brahme, J.] **[Sharmila U. Deshmukh, J.]**